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KENTUCKY
IN THE
NATION'S HISTORY

Henry Clay as a young man

From a miniature now in possession of Mrs. John Clay, of Lexington, Kentucky.

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KENTUCKY

IN

THE NATION'S HISTORY

BY
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ILLUSTRATED, WITH MAP AND HISTORICAL PORTRAITS

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TO MY FATHER

PREFACE

As this volume represents a conscious departure from the customary method of dealing with State history, a word of explanation, as to my object, is necessary. The real aim of the study of State history, as I conceive it, should be to add to our knowledge of the nation, as the day for the cultivation of a purely local patriotism—if, indeed, that day ever existed—has passed forever. To write of the history of a State as though it were something apart from the nation is not only to violate the "unity of history," but also to deprive the nation of a valuable source of information concerning national events. In making historical investigations, from time to time, I have been impressed by the fact that much material, bearing upon the nation's history, lies buried in local archives and private collections. For the student of purely local history, most of this material is of little value, relating, as it does, to distinctly national questions, while, to the national historian, it is inaccessible, it being obviously impossible for the investigator, in such broad fields, to delve very deeply into local treasuries.

In the preparation of the present volume, I have studied the local collections from the point of view of one primarily interested in the nation. Such local events as have had a distinctly national influence, as well as such national events as have particularly affected local conditions, have been my concern. A typical example of the first is presented in

the Kentucky Resolutions of 1798, and, of the second, in the purchase of Louisiana.

I have been primarily aided, in my work, by the fact that, for over half a century, Colonel Reuben T. Durrett, the father and president of the Filson Club, has devoted himself to the task of collecting and preserving all available material, bearing upon Kentucky. His priceless collection has been placed at my disposal, and I have, also, freely drawn upon his unexcelled knowledge of Kentucky history, in all of its phases; while a large portion of my manuscript, when completed, was carefully examined and criticised by him.

For information, given in personal interviews, I am particularly indebted to General Simon Bolivar Buckner, Colonel J. Stoddard Johnston, and Mr. Justice Harlan of the United States Supreme Court, of whom the latter rendered me the great service of reading the major part of the proof sheets of the book.

"Wodoneyo,"
North New Castle, Maine,
September 23, 1909.

CONTENTS

CHAPTER		PAGE
	Author's Preface	
I.	The Vanguard of the Westward Movement	1
II.	Transylvania, the Last Experiment in Proprietary Government	33
III.	Kentucky's Part in the American Revolution	62
IV.	Kentucky Enters the Union	114
V.	Harmar, Wilkinson and St. Clair	147
VI.	One Phase of the Genet Mission	163
VII.	Conflicts over the Commercial Highway of the West	185
VIII.	The Kentucky Resolutions of 1798 and 1799	211
IX.	Kentucky and the Purchase of Louisiana	265
X.	The Burr Conspiracy	277
XI.	Kentucky in the War of 1812	315
XII.	A Chapter in Financial History	377
XIII.	Kentucky in the War with Mexico	408
XIV.	Last Days of the "Great Commoner."	455
XV.	Atchison, Dixon and the Repeal of the Missouri Compromise	483
XVI.	Loyal to the Union	500
	A Critical Bibliography of Kentucky History	547
	Index	579

LIST OF ILLUSTRATIONS

PAGE

Henry Clay as a young man . . . . *Frontispiece*

From a miniature now in possession of Mrs. John Clay, of Lexington, Kentucky.

Daniel Boone 26

From a sketch by John Trumbull, now in the possession of Colonel Reuben T. Durrett, of Louisville, Kentucky.

General James Wilkinson 142

From a life-size portrait by Jarvis, now in the possession of Colonel Reuben T. Durrett, of Louisville, Kentucky.

George Rogers Clark 170

From a life-size portrait by Matthew Harris Jouett, now in the possession of Colonel Reuben T. Durrett, of Louisville, Kentucky.

Fac-simile of letter from Thomas Jefferson to J. Cabell Breckinridge regarding the Kentucky Resolutions . 230

Reproduced by the courtesy of Mr. Desha Breckenridge and his sister, Dean Breckenridge, of the University of Chicago.

Reduced fac-simile of the original text of the Kentucky Resolutions of 1798, as printed and distributed by order of the Legislature 258

Map of Battle of the Thames 352

Henry Clay as an old man 480

From a daguerreotype now in the possession of Mrs. Robert Dick Wilson, of Princeton, N. J.

The Document given to General Simon Bolivar Buckner by President Lincoln, stating his attitude toward Kentucky neutrality 536

KENTUCKY IN THE NATION'S HISTORY

CHAPTER I

THE VANGUARD OF THE WESTWARD MOVEMENT

For almost two hundred years after the first voyage of Columbus the interior of the North American continent remained a trackless wilderness. The adventurous Spaniards in the South, in their mad search for gold, had indeed discovered the Mississippi River, and had buried within its mysterious waters the body of their heroic leader, De Soto, but of the sources of that river, and of the great valley drained by it, the world was almost as ignorant in 1692 as it had been two hundred years earlier. Those two centuries had been centuries of such rapid progress in geographical discovery that it had been quite impossible for even the educated classes to assimilate the geographical knowledge laid before them, and it is in no wise remarkable that, even after the permanent colonization of the Atlantic seaboard was well under way, men should have followed with eagerness every strip of water extending westward, in the hope that it would lead them into the great South Sea which Balboa had discovered and Magellan had been the first to cross. It is quite natural also that among the instructions sent by the Virginia Company (1608) to Captain John Smith and his fellow colonists at Jamestown, was the command to dis-

cover a passage to the South Sea,[1] and that Henry Hudson should have followed, with the same hope, the course of the mighty river which bears his name.[2]

What was true of these men was true of many who followed them. It took an enormous amount of investigation to convince the world that the continent of North America was a vast mainland, through which it was vain to seek a passage by water to the Pacific, and it should not astonish us, therefore, to find that the two men who, at almost the same time, discovered the Kentucky region were engaged in this search.

Of these the first was no less a personage than the famous explorer, Robert Cavelier de La Salle, a native of Rouen in France, who at the age of twenty-three had migrated to Canada and was soon deeply involved in studying this problem. His faith in the existence of such a stream was strengthened from time to time by Indian tales, those uncertain guides which had led many a gallant explorer to his death. Entering the Allegheny near its source, he passed down the Ohio, until he came to the Falls where the city of Louisville now stands.[3]

"In making this long journey," says Colonel Durrett,[4] "he was the discoverer of Kentucky from the Big Sandy to the Rapids of the Ohio, and was the first white man whose eyes looked Eastward from the beautiful river to

[1] J. A. Doyle, "The English in America," p. 165; J. E. Cooke, "Virginia," p. 45.

[2] Fiske, "Discovery of America," II, p. 546.

[3] I purposely omit the somewhat doubtful claim that Louis de Moscoso in 1543 passed along the southern boundary line of Kentucky with his forlorn band of Spanish adventurers. Collins, I, 14 and 509. Durrett's "Filson," p. 32, accepts the story. "Encyclopædia Britannica," *La Salle*.

[4] Durrett's "Centenary of Kentucky," p. 15.

the Bluegrass Land which forms the Garden Spot of the State."

Only two years after La Salle's visit, there came into the Kentucky region the representative of the race which was soon to dispute with France the possession of the district. In 1671, General Abraham Wood, by the authority of the testy old Tory Governor of Virginia, Sir William Berkeley, sent out Captain Thomas Batts with a party in search of the river which would lead to the Pacific Ocean.[1] Whether or not Batts actually crossed the Big Sandy and entered the territory now comprised in the State of Kentucky, it is quite impossible to determine from his journal, but he at least traced the pathway from the old settlements of Virginia to the trackless wilderness beyond the mountains.[2]

For almost half a century after the Batts expedition, we have no record or tradition of visits of white men to the wilderness of Kentucky. And when we again come, with the year 1730,[3] to brief records of such visits they tell us

[1] Cf. Durrett's "Centenary of Kentucky," p. 13. Colonel Durrett has in his collection a MS. copy of Captain Batts' "Journal." It is published in Vol. III of the "Documents Relative to the Colonial History of New York," pp. 193–197.

[2] This is probably the journey which Daniel Coxe had in mind when, in his "Description of the English Province of Carolana," he tells of a certain Colonel Wood of Virginia, who had discovered various branches of the Ohio and Mississippi Rivers. Durrett's "Centenary of Kentucky," p. 12; Butler's Kentucky, 2d Ed., p. 499; Collins, I, p. 14; Long's "Expedition," I, p. 236; Albach's "Western Annals," p. 94, repeat the story.

[3] In 1730, however, a certain John Salling of Williamsburg, Va., was captured near the James River by a band of Cherokee Indians and carried as far as the Salt Licks of Kentucky. Here he made his escape, but was again captured by a band of Illinois Indians and taken on to Kaskaskia, whence, having escaped a second time, he returned to Virginia, probably by way of the Cumberland Gap. "The Annals of Kentucky" (Collins, I, p. 15) state that Salling was ransomed at Kaskaskia and returned to Virginia by way of Canada. Cf. also Wither's "Border Warfare," p. 43; Butler's "Kentucky," 2d Ed., p. 21.

still only of chance wanderings in the region, and give very little beyond the bare statement of personal hardships and dangers.[1]

The knowledge of the western wilderness which the reports of such casual visitors gave to the people of Virginia, and of the other settlements east of the mountains, must have been extremely vague, but in spite of their ignorance concerning the district lying beyond the western mountains the people of Virginia, as early as 1749, had begun to cast wistful glances in that direction, suspecting that the day was soon to come when this country would be of value, and questioning how they could best secure those lands, whose ownership the French were already preparing to dispute with them. Following the precedent set by England in her efforts to colonize the Atlantic seaboard, some of her leading citizens organized land companies with a view to buying up vast tracts of this western wilderness, inducing settlers to migrate thither by giving them grants of land, and thus causing the rest to rise in value so as to repay the expenses of the venture.

The most important of these companies, from the standpoint of Kentucky history, were the so-called "Loyal Company" and the "Ohio Company." Of these the former was the first to act, and Dr. Thomas Walker of Albemarle County, Virginia, was selected to take charge of the task of locating lands granted it by Virginia. Late

[1] In 1739 Longueil descended the Ohio from Canada and discovered the famous Big Bone Lick in Kentucky, and the same year the hostile attitude of the Chickasaw Indians caused the French authorities in Canada to send troops down the Ohio to punish them. "Annals," Collins, I, p. 15.

Durrett's "Filson," pp. 31–32; De Hass, "Western Virginia," p. 48, note; for description of visit of John Howard, in 1742, which served as one of the grounds for the English claim to the Ohio Valley. Collins, I, p. 15, note.

in the summer of 1749 he prepared his expedition, consisting of himself and five companions.[1]

On March 6, 1750, they began their journey toward the west and shortly reached the pass in the mountains named by them Cumberland Gap.[2] Crossing through this they came into southeastern Kentucky, which had never before been visited by white men, and proceeding to the Cumberland River, ascended it to a point near the present town of Barboursville.[3] On the northwest side of

[1] Colonel Durrett, in his "Centenary of Kentucky," which I follow largely in discussing this topic, says that of these five men the names of only three, Ambrose Powell, Colby Chew and ——— Tomlinson are preserved. P. 21.

Collins, however, gives two lists, one mentioning only Walker, Powell and Chew (Vol. II, p. 415), while in the other he mentions Walker, Wood, Paton, Buchanan and Captain Charles Campbell by name and adds that others also were with him. Vol. I, p. 510. Walker's own journal, however, settles the matter at the very beginning thus: "Having, on the 12th of December last, been employed for a certain consideration to go Westward in order to discover a proper place for settlement, I left my house on the sixth day of March, at ten o'clock, 1749–50, in company with Ambrose Powell, William Tomlinson, Colby Chew, Henry Lawless and John Hughes. . . ." Journal reproduced in Johnson's "First Explorations of Kentucky" (Filson Club Publications, No. 13). This opening sentence is quoted by Hulbert— "Boone's Wilderness Road," p. 50.

[2] The year of the discovery, says Collins, was preserved by the distinct recollection of Dr. Walker himself and by the fact that Powell carved his name and the date 1750 upon a tree near the gap. This inscription was pointed out to Isaac Shelby by Dr. Walker in 1770. Collins, II, p. 416.

Marshall, 1824 Ed., I, p. 6, is evidently at error when he assigns the discovery of Cumberland Gap to an expedition made by Walker in 1758. The "Journal" of this expedition, a copy of which is among the Durrett MSS., omits ten days, and they happen to be the ten days which should contain an account of the passage through the "Gap." This probably accounts for the confusion which has arisen concerning the discovery of the "Gap." Walker's "Journal" was published in 1888 by Little, Brown & Co.

[3] The Barboursville in what is now Knox County, Kentucky, must not be confused with the Barboursville just east of Huntington in West Virginia. Pownall, in his "North America," p. 34, says, "As for the branches of the Ohio which head in the New Virginia, I am particularly obliged to Dr. Thomas Walker, for the intelligence of what names they bear, and what Rivers they fall into. . . ."

the river they selected the site for the erection of the headquarters of the proposed settlements. Land was cleared and a log house constructed. It was completed on April 25, 1750, and was the first house erected by white men within the State.[1] But the builders, terrified by wandering bands of savages, deserted their "settlement" only a few days after its completion, and twenty years passed before this or any other site within the Kentucky wilderness served as a permanent abode for the hardy adventurers from beyond the mountains.

Meanwhile the Ohio Company[2] had been organized with the same purpose,[3] and on October 31, 1750, its agent, Christopher Gist, had set out from the banks of the Potomac, following an Indian trail which led from Wills' Creek to the Ohio.[4] After an extended tour through the country north of the Ohio, Gist returned to the mouth of the Scioto, and prepared to descend to the Great Falls.

This he was cautioned by his Indian friends not to do, as a large party of Indians, allies of the French, they told

[1] Durrett's "Centenary of Kentucky," p. 22; Hulbert's "Boone's Wilderness Road," p. 64, give one possible exception, 12 cabins by French at mouth of Scioto. Durrett's "Filson," p. 32, says, "A French Map, published by Robert de Vaugondy in 1755, shows 'Walker's Etabliss Anglois,' on a branch of the Cumberland River, in 1750." It, however, does not appear on Filson's Map.

[2] This should not be confused with the Great Ohio Company formed in 1787, to plant colonies in the Northwest Territory, whose influence caused the old Congress of the Confederation to pass the famous Ordinance of 1787, which was confirmed by Congress under the Constitution and which laid the foundations of our territorial system. Fiske's "Critical Period," p. 203.

[3] It had received royal permission to select and settle 500,000 acres in the western country. For stockholders, regulations, etc., see Bancroft, 1890 Ed., II, p. 343; Wilson's "History of the American People," II, p. 77.

[4] Gist's "Journal" contains text of his instructions, "to search out . . . lands upon the river Ohio . . . down as low as the great falls thereof." . . . Durrett MSS.

him, were hunting in that neighborhood. Gist, however, was not to be easily deterred, and, attended only by a boy, he proceeded cautiously down the Kentucky side of the Ohio until within fifteen miles of the Falls. Here he came upon unmistakable signs that he was indeed in the midst of considerable bands of hostile savages. Wisely abandoning his plan of visiting the Falls he turned back to the Kentucky River. From the top of a mountain in this region, says Irving,[1] "he had a view to the southwest as far as the eye could reach, over a vast wooded country in the fresh garniture of Spring, and watered by abundant streams; but as yet only the hunting ground of savage tribes, and the scene of their sanguinary combats. In a word, Kentucky lay spread out before him in all its wild magnificence. . . . For six weeks was this hardy pioneer making his toilsome way up the valley of the Cuttawa, or Kentucky River, to the Banks of the Blue Stone; often checked by precipices, and obliged to seek fords at the heads of tributary streams; and happy when he could find a buffalo path broken through the tangled forests, or worn into the everlasting rocks."

On the first of May, 1751, from a tall rock on the top of a mountain, he saw the great Kanawha forcing its passage through the enclosing cliffs. After crossing this river and traveling many weary days, he reached his own frontier abode on the banks of the Yadkin. Upon this long journey Gist had seen some of the best parts of Kentucky, as well as of the country north of the Ohio,[2] and his re-

[1] Irving's "Washington," 1875 Ed., I, p. 23.

[2] Copy of Gist's "Journal," Durrett MSS., in Pownall's "North America," Appendix VI. It indicates that Gist traveled by the aid of a compass, while Walker's "Journal" gives nothing to indicate that he had a compass with him. Durrett's "Centenary of Kentucky," p. 34.

port must have impressed the stockholders of the Ohio Company with the value of their grant. He also doubtless impressed upon their minds the fact that the French were encroaching upon that grant with all the energy which they could command. It is quite easy to see, therefore, why Robert Dinwiddie, one of the twenty stockholders of the Ohio Company, when made Lieutenant Governor of Virginia in 1752,[1] should have displayed so keen an interest in what the French were doing in the Ohio Valley.[2] It is also easy to see why, when he thought the time for protest had arrived, he should have chosen as his official herald, George Washington, half-brother to Augustine Washington, the President of the Ohio Company,[3] and to Lawrence Washington, one of the leading stockholders. The story of how that young Virginian, piloted by Gist, conveyed the message of Governor Dinwiddie to the French Commander in the Ohio Valley and returned with what was really a declaration of war, belongs to the history of the world, marking as it does the opening of one of the greatest wars in all history.[4]

"The Journals" of Walker and Gist [5] give us the first descriptions of the wilderness of Kentucky "as it came from the hands of the Creator." They tell of a country as rich and as beautiful as any on earth, yet utterly devoid of inhabitants, with the exception of a few Indians gathered in towns along the northern boundary line [6] and a few

[1] Wilson's "History of the American People," II, pp. 76 and 77.

[2] Irving's "Washington," 1875 Ed., I, p. 27.

[3] Wilson's "History of the American People," II, p. 79.

[4] The war known in European History as The Seven Years' War.

[5] Pownall's "North America," Appendix VI, for Gist's "Journal." Durrett MSS. contain copies of both "Journals."

[6] Gist's "Journal" describes a Shawnee town located near the site of the present city of Portsmouth, Ohio, containing about three hundred Indians and

along the Mississippi River. This was due to the fact that Kentucky—"the Dark and Bloody Ground," or "The Middle Ground," as John Filson, following the practice of the Indians themselves, names it [1]—lay just between the territory north of the Ohio, occupied by the Iroquois, and the home of the less powerful Cherokees who dwelt to the south. Each of these savage nations laid claim to Kentucky, and each used every art known to savage warfare to make good its claim. Their war parties often met within the disputed territory, and so constant was the conflict that no permanent Indian villages could be established in the district. Thus it happened that Gist and Walker found it a solitary wilderness, containing few signs even of former habitation, with the exception of very ancient mounds and fortifications thickly scattered along the eastern borders and becoming less frequent as they

having "about forty houses on the South side of the river and about one hundred on the North side." Under date of Tuesday, the 29th of January, 1751, George Croghan, in his "Journal of 1765" (reprint Butler Appendix), explains that the houses on the south side had been built after a great flood, which had rendered the lower banks of the northern side uninhabitable.

[1] "The Discovery, Settlement, and Present State of Kentucke," by John Filson, p. 7. The Delawares and Shawnees called the vast undefined tract of land south of the Ohio by the name "Kuttaawa," meaning "The Great Wilderness." This name was long used interchangeably with the Iroquois word "Kentake," meaning "The Place of Meadows" or "The Hunting Grounds."

Another origin of the name is given by John Johnson, who for years resided among the Shawnees. He declared that Kentucky is a Shawnee word meaning "At the head of the River" ("Archæologia Americana," I, p. 299). Marshall, however, declares that the name was derived from that of a "deep channeled and clifty river, called by the Indians, Kan-tuck-kee, which they pronounced with a strong emphasis." Marshall's "History of Kentucky," 1824 Ed., I, p. 1. On pages 8 and 9 of the same volume, however, Marshall adds that in consequence of frequent combats between the savages upon the Kentucky soil—"the country being thickly wooded, and deeply shaded—was called in their expressive language, The Dark and Bloody Ground."

approached the west.[1] There were, it is true, a few Shawnee villages to the north, but they were merely the

[1] These mounds, formerly believed to have been built by a prehistoric people called by the non-committal name of "Mound Builders," have been for years the puzzle of archæologists. They are often of solid masonry and indicate a degree of building skill far beyond that of the historic savages of the regions near the Ohio River. There are indications also that the use of metal as well as stone was well understood in Kentucky before the historic period begins. In the "Kentucky Gazette" of June 7, 1790, appears an account of the discovery of an old lead mine near Lexington which had been worked apparently years before the appearance of the earliest explorers.

In a manuscript, dated Philadelphia, March 17, 1792, an unnamed traveler has left this record of his visit to some of the mounds of this western region, "Many tokens remain," he says, "of that country being in ancient ages as well cultivated and as thickly inhabited as the country on the Danube or the Rhine." "A copper mine," he continues, "was opened some years since, farther down the Mississippi, and, to the great surprise of the labourers, a large collection of mining tools were found several fathoms below the superficies of the earth." Durrett MSS.

Mr. Thomas Bodley was informed by Indians of various tribes northwest of the Ohio, that they had a tradition, common among many tribes, "that Kentucky had been settled by whites, and they had been exterminated by war. They were of the opinion that the old fortifications, now to be seen in Kentucky and Ohio, were the productions of those white inhabitants." Durrett MSS.

Another tradition asserts that the last battle for the extermination of these original white inhabitants was fought at the Falls of the Ohio—"that the Indians succeeded in driving the Aborigines into a small island below the rapids, where the whole of them were cut to pieces." Durrett MSS.

An examination at low water of this island, so runs another of these interesting old documents, revealed a multitude of human bones, and an "Indian Chief . . . told General Clark . . . that the battle of Sandy Island decided finally the fall of Kentucky, with its ancient inhabitants." Durrett MSS.

Colonel Joseph Davies reports that a few remaining members of an almost extinct tribe of Sacks whom he interviewed at St. Louis in 1800 expressed astonishment that anyone should live in Kentucky, "filled," as they said, "with the manes of its butchered inhabitants." The statement was also repeated by them that the aborigines of this country were white and possessed such arts as were unknown by the Indians. Durrett MSS.

Another of these accounts reports the discovery of "a furnace of brick work five fathoms below the present surface; and in this furnace were found a quantity of coals and firebrands which, for aught we know, might have been kindled in the days of Moses or Lycurgus." Durrett MSS.

advance guard of their allies, "the Iroquois," and their presence was not noticed by the first explorers.[1]

These expeditions of Walker and Gist, however, attracted so little attention that when the first Kentucky historian, John Filson, set about gathering data for his book, he seems to have heard no hint of them, but settled upon James McBride as the discoverer of the region, upon the very insufficient evidence that his initials and the year had been carved upon a tree at the mouth of the Kentucky River in 1754.[2] From this visit of McBride, if such a visit ever occurred, and the evidence for it is indeed slight, until the Peace of Paris (1763), which closed the long wars between France and England for the possession of Canada and the Ohio Valley, we have no clear record of any voluntary visit of white men to Kentucky.[3] Corporate

For brief description of mounds on the site of Louisville, see Durrett's "Centenary of Louisville," pp. 9–11.

The great Shawnee Chief Cornstalk, repeating a tradition very common among the Indians along the Ohio, told Colonel M'Kee that Ohio and Kentucky had once been inhabited by white men who possessed arts vastly superior to those of the Indian tribes. These inhabitants, he said, after many bloody contests, had been exterminated.

Among the Durrett MSS. are a number of ancient depositions preserving tales of this character which have been, from time to time, collected by the owner.

[1] The position of their villages is marked on Filson's Map, 1784; cf. Gist's "Journal," March 13.

[2] The pioneers declared that Filson "could ask more questions than everybody and answer fewer than anybody." Durrett's "Life and Writings of John Filson," p. 16; Collins, I, pp. 16 and 519.

"On croit que M. James Bride est le premier homme blanc qui ait eu connaissance de Kentucke. En 1754, acompagné de quelques amis il descendit l'Ohio dans des canots, aborda l'embouchure de la rivière Kentucke, et y marqua trois arbres, avec les premières lettres de son nom, et la date du jour et de l'année." "Histoire de Kentucke," par M. Parrand. This is a translation of Filson's "Kentucke."

[3] A number of expeditions to Kentucky and the neighboring regions along the Ohio took place soon after the Peace of Paris, 1763, e. g.:

enterprise, such as that contemplated by the "Loyal Company" and the "Ohio Company," had ceased as soon as the war began, and, at its close, King George the Third issued his famous Proclamation of 1763, which seemed a deathblow to all projects for the settlement of the vast wilderness beyond the mountains, as it provided that the British possessions south of Canada and west of the Alleghany Mountains should be marked off and kept as an Indian reservation [1] into which no white settlers might enter.

Arrangements were promptly made for the survey of

(a) Col. George Croghan's tour down the Ohio in 1765 is of considerable interest on account of the elaborate "Journal" which he kept. This "Journal," with an account of the various forms in which it has been published, is given in Vol. I of Thwaite's "Early Western Travels," pp. 127–173, and contains, under the dates of May 30 and 31, an interesting account of the Great Bone Licks of Kentucky.

(b) In 1766 occurred the trip of Captain Harry Gordon, Chief Engineer in the Western Department in North America, from Fort Pitt down the Ohio River. In speaking of the Falls opposite the present site of Louisville, Gordon says (July 16), "The waters at the Falls were low; it being the Summer. . . . Several boats passed it at the very dryest season of the year, when the waters are at the lowest, by unloading one-third their freight. . . . They passed on the North side, where the carrying place is three-fourths of a mile long; and on the Southeast side it is about half that distance, and is reckoned the safest passage for those who are unacquainted. . . ." showing that the Ohio was even at this early period considerably used as a highway.

[1] A Map on p. 137 of Channing's "Student's History of the United States" shows the limits of this reserved strip. The Proclamation says: " . . . And we do further declare it to be our royal will and pleasure, for the present, . . . to reserve under our sovereignty, protection, and dominion, for the use of the said Indians, all the land and territories not included within the limits of our said three new governments, or within the limits of the territory granted to the Hudson's Bay Company; as also the westward of the sources of the rivers which fall into the sea from the west and north-west; . . . and we do hereby strictly forbid . . . all our loving subjects from making any purchases or settlements whatever, or taking possession of any of the lands above reserved, without our special leave and license for that purpose first obtained." Text of Proclamation of 1763, Macdonalds "Select Charters," p. 271.

the line.[1] John Stuart,[2] Indian agent for the southern colonies, and Sir William Johnson, agent for the northern district, were appointed for the important work. The latter appointment was particularly fortunate for the history of Kentucky, for Johnson, deliberately neglecting his instructions,[3] ran his part of the line down the Ohio River to the mouth of the Tennessee, thus leaving east of the line of demarcation, almost the whole of what is now Kentucky, and exempting it from the restrictions which the Proclamation imposed upon the reserved district.[4] Thus Kentucky was thrown open to white explorers and settlers, while the other regions west of the Alleghanies were closed by royal decree, and to this fact it is due, in no small degree, that she became the pioneer commonwealth of the West; for, in the valley of the Yadkin, the prince of pioneers was waiting to head the hosts who were to invade the "Dark and Bloody Ground," and to make of it an inhabited land.

There were, as we have seen, other adventurers who, before Boone's day, had traveled the unbroken wilderness of Kentucky. There were many, equally gallant, who fought by his side during the early days of the westward move-

[1] Bancroft, 1859 Ed., VI, pp. 225, 226.

[2] This Stuart should not be confounded with John Stewart, Boone's companion in the wilderness of Kentucky.

[3] Johnson's instructions were to acknowledge the Cherokee claim to the region west of the Kanawha. He, however, decided to reject the Cherokee claim and admit that of the Iroquois, as the Cherokees themselves had done some years before. At the Great Council of Fort Stanwix (Sept.-Oct., 1768), he induced the Iroquois to surrender their claim, and allow the western boundary of Virginia to be the Ohio River instead of the Kanawha. Winsor's "Westward Movement," pp. 16–17; Bancroft, 1859 Ed., VI, pp. 227–228.

[4] Treaty of Fort Stanwix, 5 Nov., 1768; in appendix to Butler's "History of Kentucky," 1834 Ed.; also in the "Documentary History of New York," I, p. 587; Winsor's "Westward Movement," p. 17.

ment, but it has always been the practice of historians to represent the events of epochs by singling out the leaders, and there can be no doubt that Boone was the leader among the simple backwoodsmen who opened up the Kentucky district for settlement.

From the standpoint of civilized society Boone did not represent a high type, either of mind or of character. If Major André, when arrested near West Point, after his negotiations with the traitor, Arnold, had attempted to purchase his release by displaying a bogus American commission, no American tears would have been shed over his execution—yet Daniel Boone is reported [1] to have carried an old British commission which Lord Dunmore had given him, slung round his neck in a leather bag, and whenever he got into close quarters during the Revolution, to have displayed it as evidence that he was a loyal son of his Britannic majesty, George III, and an enemy to his rebellious subjects, the colonists.

Courage [2] was his in abundance, but courage was no unique quality in a country which had no attraction for a coward. Skill in woodcraft, resourcefulness in times of sudden and unexpected danger, untiring energy and steadfastness of purpose, all these he possessed in a marked degree, as which of his fellow pioneers did not? What made Daniel Boone the grandest specimen of a pioneer that our western annals recall, was the fact that, added to these qualities, he possessed that divinely given com-

[1] Robert B. McAfee's "Journal," Durrett MSS.; Durrett's "Centenary of Kentucky," p. 29.

[2] Filson makes Boone utter these words concerning fear: It is "vain if no danger comes, and if it does, only augments the pain. It was my happiness to be destitute of this affecting passion, with which I had the greatest reason to be affected."

mission of leadership, a most magnetic personality. Although totally unfit for the position of military commandant of any considerable detachment of soldiers, Boone was a born general of pioneers, and so long as that peculiar type of leader was needed he was the first Kentuckian, though as soon as military leadership was required in the district, he stepped aside into the ranks, leaving the direction of affairs to that truly epic figure, George Rogers Clark. And when, a little later, Kentucky needed a political head, Clark, in his turn, gave place to the unworthy, though able commander, James Wilkinson.

Of the early life of Daniel Boone practically nothing is known, although many biographies have been written of him, with some of which he would perhaps have been more than satisfied, and with all of which he would certainly have been greatly amused.[1] Among them there is no general agreement with reference to either the date or the place of his birth.[2] Until about his fortieth year Boone was so inconspicuous a member of society that little authentic data with reference to him was preserved; but we know that at some period of Daniel's youth his father moved to one of the valleys south of the Yadkin, in North Carolina,[3] where Daniel was living his simple, and,

[1] For list of Biographies, see bibliography in Appendix.

[2] E. g., Bogart, p. 16, gives Feb. 11, 1735; Collins, II, p. 56, gives Feb. 11, 1731; Marshall, I, p. 17, gives it as "about 1746," etc. McClung, p. 46, says that Boone was born in Virginia; Marshall, I, p. 17, gives Maryland as his birthplace, while Nile, IV, p. 33, assures us that he was born in "Bridgeworth, Somersetshire, England." Peck says Boone was born in Bucks Co., Pa. Bogart says "near Bristol, on the right bank of the Delaware, about twenty miles from Philadelphia." Collins, ibid.

[3] Collins, II, p. 56; John H. Wheeler in his "Historical Sketches of North Carolina" naturally claims him as a North Carolinian. "In North Carolina," he says, "Daniel Boone was reared. Here his youthful days were spent; and here

we might venture to say, idle life,[1] when the moment arrived for him to make his first dramatic entrance upon the stage of history. A party of hunters had recently made a long expedition into the wilderness of Kentucky [2] and had brought back stories so wonderful as to be scarcely credible. Boone, however, with no relish for the monotonous labor of caring for the growing crops, and filled with a passion for the virgin wilderness, was easily persuaded of their truth. He formed an intimacy with John Findlay,[3] a member of the original hunting party, and with him prepared the expedition which marks the beginning of his career as a really historic figure.

"It was the first of May, in the year 1769," says Boone in the narrative dictated during his old age to the historian, John Filson, "that I resigned my domestic happiness for a time, and left my family and peaceable habitation on the Yadkin River, in North Carolina, to wander through the wilderness of America, in quest of the country of Kentucky." [4] His companions were John Findlay, John Stewart, Joseph Holden, James Mooney and William

that bold spirit was trained, which so fearlessly encountered the perils through which he passed in after life. His fame is part of her property, and she has inscribed his name on a town in the region where his youth was spent."

[1] Colonel Durrett remarks that for a pretended farmer to start to the wilderness on a hunting expedition, just at corn-planting season is a suspicious circumstance, and leads one to suppose that Daniel was not overfond of the hoe.

[2] John Filson's "Kentucke," pp. 7 and 8. This was the expedition of John Findlay which took place in 1767. Collins, I, p. 16, and II, p. 417, etc.; Marshall, I, pp. 2 and 5; Butler, 1834 Ed., p. 18.

[3] Marshall, I, p. 2, spells the name Finlay and also calls him "the first to penetrate and explore" Kentucky. Collins, II, p. 177, uses both spellings, and speaks of another John Finley who came from Pennsylvania with a party in July, 1773, and passed down the Ohio and thence went into Fleming and Nicholas Counties.

[4] John Filson's "Kentucke."

Cool, and their object was not only to enjoy the excellent hunting which Findlay had so enthusiastically described, but at the same time to make a thorough examination of the region with a view to its permanent occupation. A vivid picture of this party as they took their first view of that promised land, after more than a month of travel, is drawn by John M. Peck.[1] "Their dress was of the description usually worn at that period by all forest rangers. The outside garment was a hunting shirt, or loose open frock, made of dressed deerskins. Leggings or drawers, of the same material, covered the lower extremities, to which was appended a pair of moccasins for the feet. The cape or collar of the hunting shirt and the seams of the leggings, were adorned with fringes. The under garments were of coarse cotton. A leather belt encircled the body; on the right side was suspended the tomahawk, to be used as a hatchet; on the left the hunting-knife, powder-horn, bag and other appendages indispensable for a hunter. Each person bore his trusty rifle; and, as the party slowly made their toilsome way amid the shrubs, and over the logs and loose rocks that accident had thrown into the obscure trail which they were following, each man kept a sharp lookout, as though danger or a lurking enemy was near. Their garments were soiled and rent, the unavoidable result of long traveling and exposure to the heavy rains that had fallen; for the weather had been stormy and most uncomfortable, and they had traversed a mountainous wilderness for several hundred miles.

"The leader of the party was of full size, with a hardy,

[1] "Daniel Boone," by John M. Peck; Jared Spark's "Library of American Biography," XIII, p. 23.

robust, sinewy frame, and keen, piercing hazel eyes, that glanced with quickness at every object as they passed on, now cast forward in the direction they were traveling for signs of an old trail, and in the next moment directed askance into the dense thicket, or into the deep ravine, as if watching some concealed enemy. The reader will recognize in this man the pioneer, Boone, at the head of his companions.

"Towards the time of the setting sun, the party had reached the summit of the mountain range, up which they had toiled for some three or four hours, and which had bounded their prospect to the West during the day. Here new and indescribable scenery opened to their view. Before them, for an immense distance, as if spread out on a map, lay the rich and beautiful vales watered by the Kentucky River; . . . far in the vista was seen a beautiful expanse of level country, over which the buffalo, deer, and other forest animals, roamed unmolested. . . ." [1]

Here this little party which had come to spy out the land of promise, slept in peace and security, charmed with the view of as perfect a bit of nature's own handiwork as travelers have ever gazed upon. The days and weeks passed by in rapid succession; summer ripened into autumn and the dry leaves fell,[2] while they still lingered upon the border-land of the vast Kentucky wilderness which they already began to consider their home. Then moving their camp from point to point, as

[1] Boone himself made no such gorgeous story of it, "We proceeded successfully," he says (Filson's "Kentucke"), "after a long and fatiguing journey through a mountainous wilderness, in a Westward direction; on the seventh day of June following, we found ourselves on the Red River . . . and from the top of an eminence, saw with pleasure the beautiful level of Kentucky."

[2] Peck, p. 25.

curiosity or the demands of the chase impelled, sometimes following the broad roads which the vast herds of buffalo, deer and other game had made in their visits to the salt springs scattered at intervals through the region, sometimes turning aside to force a new passage through the matted underbrush or the tall canebrakes, they pushed steadily onward into the land of promise.

The extreme caution which they had observed upon their first entrance into the wilderness had rapidly given place to a sense of perfect security, as they became more and more certain that the country was free from savage inhabitants.

Finally for convenience of hunting, and in order that they might explore more widely, Boone and Stewart left the main camp and pushed on to the banks of the Kentucky (Louisa) River. ". . . We practiced hunting," says Boone, "with great success until the twenty-second day of December. This day John Stewart and I had a pleasing ramble; but fortune changed the scene in the close of it. We had passed through a great forest, on which stood myriads of trees; some gay with blossoms, others rich with fruit. Nature was here a series of wonders and a fund of delight. Here she displayed her ingenuity and industry in a variety of flowers and fruits, beautifully colored, elegantly shaped and charmingly flavored; and we were diverted with innumerable animals presenting themselves perpetually to our view."

All this sounds, to one who has later wandered through those same forests at the Christmas season, as though the climate of this region has greatly changed since 1769, or, as is more likely, that John Filson, although professing to act as Boone's amanuensis, could not resist the tempta-

tion to adorn the narrative, and carelessly put on it a costume quite inappropriate to the season.

If, however, the author's testimony is not invalidated by this obviously imaginative description, we may venture to accept the next statement[1] which he puts into the mouth of his hero:

"In the decline of the day, near Kentucky River, as we ascended the brow of a small hill, a number of Indians rushed out of a thick cane-brake upon us, and made us prisoners. The time of our sorrow was now arrived, and the scene fully opened. The Indians plundered us of what we had, and kept us in confinement seven days, treating us with common savage usage."

The captives, however, knowing the Indian character by long experience, manifested no desire to escape, and thus caused their captors to relax their vigilance. At last ". . . in the dead of night," says Boone, "as we lay in a thick cane-brake by a large fire, when sleep had locked up their senses, my situation not disposing me for rest, I touched my companion, and gently awoke him. We improved this favorable opportunity and departed, leaving them to take their rest. . . ."

With that instinct for direction which is the sixth sense of the real woodsman and which is quite unintelligible to men accustomed always to walk in beaten paths, Boone and his companion started at once for their old camp which lay miles away, in the dense forests now shrouded in the darkness of night. All the next day they traveled in a direct line, and when at last they reached the camp they found it plundered and desolate.[2] Their four com-

[1] These extracts are taken from Boone's narrative in Filson's "Kentucke."

[2] Here ends the story of John Findlay, the first white man to sing the praise

panions had disappeared, leaving nothing to tell the tale of their fate. The condition of the camp seemed to indicate that they had perished at the hands of wandering Indians, though in that case it seems likely that some of the savages, in their frequent meetings with Boone, would have boasted, as was their custom, of the destruction of these men who had dared to attend him upon this first deliberate attempt to seize their hunting grounds.[1]

Boone and Stewart, thus left alone in the heart of the wilderness, in the dead of winter, and totally destitute of provisions, except such as they could obtain by the sparing use of the little powder which they had secured when escaping from their savage captors, were in the greatest peril; but they showed no desire to escape from so remarkable a situation. Instead they constructed another camp and continued as before to amuse themselves by hunting and exploring trips, waiting for they knew not what, but happy in the beauty and wildness of their surroundings.

As the weeks passed by the little supply of ammunition began to grow dangerously small, and they were almost at an end of their resources when another marvel of pioneer courage and loyalty occurred. Alarmed by the long absence of his brother, Squire Boone[2] started from his North Carolina home, with a single companion, to make the long journey across the mountains in search of him. For any but the most skillful of woodsmen such a task would have been indeed hopeless. With no chart to guide them, with

of a dwelling in the wilderness of Kentucky. What his end was, no man can tell. Collins, II, p. 56.

[1] Bogart's "Daniel Boone," p. 62.

[2] The tenth and next younger of old Squire Boone's children. There were seven sons and four daughters. Hartley, p. 14; Bogart, p. 63.

no knowledge of the location of the wanderers, amid thousands of miles of wild, unbroken forest, it seems little short of a miracle that early in January, 1770, they came upon the camp in which Daniel Boone and Stewart had spent the previous night.[1] Even after this discovery it might have been a sufficiently difficult task for any but an Indian or a pioneer to find the wanderers. But to a woodsman so new a trail could not be missed, and shortly afterwards Daniel and Stewart were startled to see two human forms approaching through the forest. Instantly alert and on guard against surprises they watched the figures until, as they came within range of clear vision, Daniel recognized the beloved form of his faithful brother.

This meeting was shortly followed by a new and terrible disaster. In spite of the lesson which Boone's and Stewart's recent captivity should have taught them, the party was soon divided for purposes of more effective exploration and hunting, Daniel and Stewart ranging far beyond the camp,[2] and "far beyond," to a Kentucky pioneer, meant no slight distance. The lurking savages, who had doubtless been waiting for just such an opportunity, suddenly attacked them, and, though Daniel Boone managed to make his escape, Stewart was killed. Thus passed the first gallant martyr to the cause of western exploration, of whom the Kentucky annals can speak with certainty. A second soon followed.

The unnamed companion of Squire Boone, not so ex-

[1] "About this time," says Boone, in a more matter-of-fact and characteristic manner than Filson usually allows him to speak, "my brother, Squire Boone, with another adventurer, who came to explore the country shortly after us, was wandering through the forest, determined to find me, if possible, and accidentally found our camp." See also Collins, II, p. 57.

[2] Bogart's "Boone," p. 65; Collins, II, pp. 56 and 57.

pert a woodsman as his associates, wandered from the camp and was lost—at least so runs the story which seems most probable, as this man never again appeared among his friends in Carolina.[1] Filson, however, gives a less pleasing account as coming from the lips of Daniel Boone. "The man who came with my brother," he says, as though ignorant of his very name, or too indignant to honor him by preserving it, "returned home by himself. We were then in a dangerous, helpless situation, exposed daily to perils and death amongst the savages and wild beasts; not a white man in the country but ourselves." [2]

This would seem to most men a desperate condition, but it would be the height of absurdity to expend sympathy upon two such men in such a situation. They had chosen the wilderness because they loved it and because, in Filson's simple phrase, Daniel Boone considered himself "an instrument ordained to settle the wilderness." [3] And such indeed he was. "On the safety of these men," says Bogart,[4] "rested the hope of a nation. Their defeat, their captivity, their death, would have chilled the vigour of enterprise, . . . without Boone the settlements could not have been upheld, and the conquest of Kentucky would have been reserved for the immigrants of the nineteenth century."

Until May, 1770, the two brothers remained together in the rude huts which they constructed as circumstances required, watched over by the Providence of Heaven and unobserved by the savage hunting parties

[1] Peck's "Boone," p. 31; Bogart's "Boone," p. 66; variation of story, Collins, II, p. 57.

[2] Filson's "Kentucke."

[3] Filson's "Kentucke."

[4] Bogart's "Boone," p. 80.

which the return of spring brought again from the Indian countries to the north and south of them. Then, as their hunting trips had reduced their scant supply of powder to the danger point, it was decided that Squire should "return home to the settlement by himself for a new recruit of horses and ammunition," leaving his brother alone, "without bread, salt or sugar, without company of my fellow creatures, or even a horse or dog." [1]

This journey occupied almost three months [2] and they would have been lonely months indeed for one by nature less inclined to solitude. "I confess," says Daniel Boone, "I never before was under greater necessity of exercising philosophy and fortitude. A few days I passed uncomfortably." But on the whole they were doubtless happy and interesting months to the solitary woodsman, as he watched the wilderness blossom as a rose and added every day valuable specimens to his collection of peltries. As a pleasant diversion he made an extensive tour of exploration to the southwest, examining the country along the Salt and Green Rivers, alarmed at times by signs of prowling bands of Indians, but always managing to avoid them. Frequently he was forced to camp without a fire, and at times slept in the midst of the dense canebrakes to avoid detection.

"Thus," he says, as if forgetting even the "few" uncomfortable days, "through an uninterrupted scene of sylvan pleasures,[3] I spent the time until the 27th day of

[1] Filson's "Kentucke."

[2] May 1 to July 27, 1770. Collins, II, p. 57, and Filson's "Kentucke," for dates.

[3] Filson's "Kentucke." Lord Byron had evidently been reading Filson when he wrote:

July [1770] following, when my brother, to my great felicity, met me according to appointment, at our old camp. . . ." Danger signs which could not escape the quick eyes of the brothers having convinced them that Indian hunting parties were again abroad, they now turned southward, and began explorations along the Cumberland, where they found game even more abundant, but a much poorer quality of soil.[1] Returning northward in March, 1771, they pushed on to the banks of the Kentucky, where they selected a point which they considered especially well adapted for the construction of the permanent settlement which they were eagerly planning to establish,[2] and, with this great idea before them, they packed a load of peltries upon each horse and retraced the toilsome road over the mountains to their families upon the banks of the Yadkin.

Daniel Boone had spent some two years in the wilderness of Kentucky, during most of which time he had neither tasted bread nor seen the face of man, with the exception of his brother, his unfortunate fellow hunters now gone, and a few straggling Indians more animal than human;[3] but at its close he was a real Kentuckian, the first Kentuckian, ready at all times to speak in unmeas-

"Of all men, saving Sylla, the man-slayer,
Who passes for, in life and death, most lucky,
Of the great names which in our faces stare,
The General Boone, backwoodsman of Kentucky,
Was happiest of mortals anywhere."

—"Don Juan," VIII, lxi.

Again and again the dominant note of the Boone narrative is the happiness which came to him in his solitude.

[1] Peck's "Boone," pp. 33 and 34.

[2] Peck's "Boone," p. 34; Bogart's "Boone," p. 79.

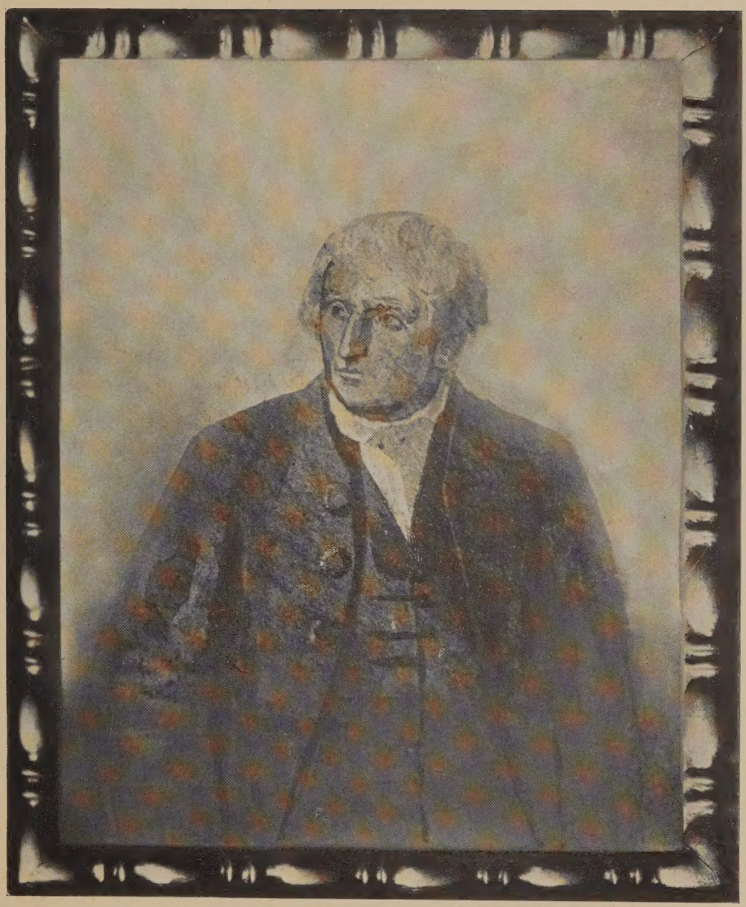
[3] Collins, II, p. 57; Peck's "Boone," p. 34.

ured praise of the land which, he says, "I esteemed a second paradise." [1]

While Boone was thus wandering alone, supposing himself the only white man in the region, a party of forty hunters from "New river, Holston and Clinch," in Virginia, led by the wonderful stories which they had heard of the abundance of game in the district, left their homes and started upon a hunting expedition.[2] Provided with dogs, traps and a hunter's outfit, they started westward and, passing through the Cumberland Gap, arrived in what is now Wayne County, Kentucky. Camping a few miles below the Cumberland River, they established a depot for trade with Indian hunters, and from this central point small bands wandered in various directions, hunting or exploring as their fancy dictated. Once in five weeks, according to agreement, they were to "round up" at headquarters, deposit their pelts and relate their experiences. But the "calls of the wild" were too diverse for such a plan to be feasible. One band after another deserted the expedition, each being intent upon its own object. Ten of them constructed transports, loaded them with skins and wild meat, and embarked upon the Cumberland for the Spanish fort at Natchez, whence they made the overland journey homeward, comforted by the possession of considerable Spanish gold. Some lost themselves in the wilderness and doubtless fell a prey to prowling savages; while Colonel James Knox, the real leader of the expedition, with nine kindred spirits, pushed on deeper and deeper into the trackless wilderness, and near the present site of Greensburg, in Green

[1] Filson's "Kentucke."

[2] Collins, I, p. 17, II, pp. 367 and 417; Durrett's "Kentucky Centenary," p. 30.



Daniel Boone

From a sketch by John Trumbull, now in possession of Colonel Reuben T. Durrett. It is signed "J. T. 1776," and is drawn upon untanned deer skin, upon the reverse side of which the hair still appears.

County, built another trading station, from which as a center he carried his explorations as far as Barren, Hart and other neighboring counties. Knox and his companions remained two years in the Kentucky district, wondering, as Boone wondered, at the indescribable fertility and beauty of the land, revelling in the game which was everywhere abundant, and treasuring up experiences which were to lose nothing in the telling, when they should return to the settlements beyond the mountains. To them, by common consent, has been given the name, "long hunters," and their stories, added to those related by Boone and his comrades, caused many a gallant woodsman to migrate to this land of promise, even at the risk of life and fortune.

No serious attempt to plant a settlement in the district [1] was made, however, until 1773, when Daniel Boone, "having successfully disposed of his possessions in North Carolina, left his home in the Yadkin Valley and, accompanied by his own and several other North Carolina families, started westward along the hunters' trail." They were joined, at points along the route, by some forty other bold pioneers, and thus reinforced, the second immigrant party pushed on toward the wilderness. Their march was necessarily slow, as they were impeded by their cattle and pack horses; but at last they reached Cumberland Gap, and were preparing to cross the mountains, when a band of Indians suddenly attacked them from behind, and six of the company were killed. The

[1] Dr. Thomas Walker had secured a large land grant about twenty miles west of Cumberland Gap, and Joseph Martin had established a settlement within it, at a point a few miles east of where Jellico now stands (1769), but the Indians had proved so hostile that the enterprise had soon been abandoned. Winsor's "Western Movement," p. 21.

remainder rallied at once and routed the enemy; but such a disaster, at the beginning of their journey, so disheartened them that they returned to their homes, and the second attempt to settle the region failed upon the borderland.[1] So great an effect did this disaster have upon the people of North Carolina that no new expedition was attempted during the year.[2]

With the spring of 1774, however, came a flood of adventurers intent upon securing land claims by means of "improvers' cabins," and without the dangers incident

[1] Collins, II, p. 57.

[2] The latter part of the year 1773, however, witnessed the arrival in the region of a large party of land surveyors, sent out by Lord Dunmore, Governor of Virginia, in the hope of aiding the process of settlement in the West, which he conceived to be the best means of protecting the Virginia settlements against Indian attacks. Bogart's "Daniel Boone," p. 99.

Captain Thomas Bullett, the three McAfee brothers, James, George and Robert, and James Harrod and James Douglas were the leading spirits. Robert McAfee's "Journal," Durrett MSS., and James McAfee's "Journal," ibid., Collins, I, p. 248.

After holding a council with the Shawnee Indians at Chillicothe, the party broke up. Bullett, with a few followers, passed down to the Falls of the Ohio, where he spent several weeks, and made the first survey of the site of Louisville (Collins, I, p. 17; and II, p. 94), and of the county which bears his name.

Another party, under the McAfee brothers, ascended the Kentucky River to the site of Frankfort, of which they made the first survey. See Robert McAfee's "History of Kentucky," and "The Life of Robert McAfee and His Family," Durrett MSS. The McAfee "Journals" have recently been published in Appendix of Neander M. Woods' volume, "The Woods-McAfee Memorial," Courier-Journal Job Printing Co., of Louisville, 1905.

A third party under Douglas examined the region near the Big Bone Lick and selected a site for a settlement. The following Spring he returned to the selected region after a winter in Virginia, and made numerous surveys along the Kentucky River, but death overtook him, and he found a grave in the wilderness where he had planned to build a home. Marshall, I, p. 36.

None of these men, however, built even "improvers' cabins," a term which, in pioneer days, meant merely nominal dwellings, consisting of small squares of logs built breast high, and not even roofed, which were used as a means of technically fulfilling the letter of the laws, requiring settlement as a basis of land claims. Collins, II, p. 517.

to actual settlement.[1] So great was their number that the Indians, becoming alarmed for the safety of their most cherished hunting ground, formed a grand coalition to protect themselves and banish the white invader. The chiefs who had been present at the Council of Fort Stanwix were well aware that Sir William Johnson had there purchased from the Iroquois a full title to the Kentucky district;[2] but such a contract could mean little to savage warriors, and "the Indian nations not concerned in the grant," as Filson tells us, "became dissatisfied with the prospect of a settlement which might become so dangerous a thorn in their side." [3]

Lord Dunmore, then Governor of Virginia, clearly foreseeing war, decided to warn the white adventurers to retire to the settlements beyond the mountains, and selected Daniel Boone as the messenger. On the sixth of June, 1774, in company with "one Michael Stoner," Boone started for the Falls of the Ohio and, during the next sixty-two days, traversed eight hundred miles of wilderness, returning, on August the eighth, at the head of a band of land surveyors who had wisely abandoned their labors at his word of warning.[4]

Such adventurers as refused to return, soon had cause to repent their excess of boldness. Indian scouting parties appeared on every side. The fierce Shawnees, led by their great chief, Cornstalk, and supported by the Miamis,

[1] Thomas Hanson's "Journal of 1774," Durrett MSS.

[2] Winsor's "Narrative and Critical History of America," VI, p. 706; Winsor's "Westward Movement," p. 154, for details of this conference and the resulting treaty. Text of treaty of Fort Stanwix, Butler's "Kentucky," Ed. 1834, Appendix.

[3] Filson's "Kentucke."

[4] Filson's "Kentucke," Butler, Ed. 1834, p. 26; Smith, p. 31; Collins, I, p. 17.

the Delawares, the Wyandots, and other northern tribes, swept toward the frontier settlements of Virginia, dealing out death by torture to all white men who fell into their hands.[1] They burst like a flood upon the little stockades guarding the Virginia settlements, while detached bands of warriors plundered the scattered farmhouses and massacred their inmates.

Lord Dunmore's war[2] had begun in earnest, and Lord Dunmore promptly prepared to carry the fight into the enemy's country. Three thousand Virginia regulars and volunteers were mustered into service and formed into two armies. With one of these the Governor himself advanced to Fort Pitt, having directed General Andrew Lewis to march with the other to the mouth of the Great Kanawha.[3] The two armies were to unite at a specified point on the Ohio River, and together attack the Shawnee villages scattered through the Scioto Valley. But Cornstalk, with a military sagacity uncommon among savage leaders, divined the plan, and decided to attack General Lewis's camp, which had been pitched at Point Pleasant,[4] before Lord Dunmore should have time to arrive.

[1] More white persons were killed during the period of nominal peace, just before the opening of Lord Dunmore's war, than during the campaign. Winsor's "Narrative and Critical History of America," VI, p. 709.

[2] It was first known as "Cresap's War." See Winsor's "Narrative and Critical History of America," VI, pp. 707–711, for details of Cresap's connection with beginnings of the war, the killing of Logan's family, etc., as well as for examination of controversy between Virginia and Pennsylvania over the possession of the land between the mountains and the Ohio River.

[3] General Lewis's army consisted of eleven hundred men, chiefly pioneers, and veteran Indian fighters. Smith's "Kentucky," pp. 31 and 32.

[4] Point Pleasant, at the junction of the Ohio and the Kanawha, was the rendezvous first appointed by Lord Dunmore, but, on Oct. 6, when he reached that point, General Lewis had not found Lord Dunmore as he had hoped.

Warned of this intended attack, General Lewis at once took the initiative. He gave orders that Colonel Fleming's regiment, and that commanded by his brother, Colonel Charles Lewis, should reconnoiter, while he himself should arrange his troops for the battle.

The reconnoitering party, marching at once, found itself face to face with the savages, approaching for a similar purpose (Oct. 10, 1774). Battle was instantly joined, the two armies being about equal in number, some eleven hundred each. At first things went badly for the English. The two colonels, Lewis and Fleming, fell mortally wounded, and their troops began a headlong retreat, which was checked only by the timely arrival of Colonel Field with a fresh regiment. The advantage gained from this reinforcement was, however, only temporary. Field was struck down and the savage allies, Cornstalk, Logan, Red Eagle, and other gallant chiefs of the coalition, pushed on to complete their victory.

At this point General Lewis decided to try the dangerous expedient of a flank movement. He sent three captains, Isaac Shelby, George Mathews and John Stuart, with their companies, with orders to reach Crooked Creek, which runs into the Kanawha a little above Point Pleasant, and thence to attack the Indians in the rear. The movement was effected under cover of the river banks,

Three days later he received a message from the Governor, stating that his plans had been changed, and ordering General Lewis to meet him in the Indian country north of the Ohio. This change of plan came to the ears of Cornstalk who resolved to attack General Lewis before he could cross the Ohio, and accomplish the meeting planned by Lord Dunmore. It was while preparing to cross the Ohio that General Lewis received news of the approach of Cornstalk and his savage army. Hartley's "Boone," p. 86; Winsor's "Narrative and Critical History of America," VI, p. 713; Winsor's "Westward Movement," p. 73.

and the Indians, startled by the fierce attack from a quarter so unexpected, concluded that reinforcements had arrived and, fleeing across the Ohio, retired to their villages on the Scioto.[1] Thus was defeat turned into victory in "the most hotly contested fight which the Indians ever made against the English . . . the first considerable battle which they had fought without the aid of the French." [2]

Meanwhile Lord Dunmore with the main army had marched toward the Scioto, ravaging as he went.

Cornstalk, upon reaching his own country, found that the news of his defeat, and the damage already done by Lord Dunmore's army had completely disheartened his braves, who were clamoring for peace. A deputation was accordingly sent to Lord Dunmore at Camp Charlotte, and a treaty was arranged in which the allies surrendered all claim to Kentucky, just as the Six Nations had already done at Fort Stanwix.[3] The treaty guaranteed that no white man should henceforth be molested on the Ohio River, and that no Indian should pass to its southern bank.

[1] Hartley, p. 89; Winsor's "Westward Movement," p. 73.

[2] Winsor's "Westward Movement," p. 73. The details of the Point Pleasant Campaign of 1774 are given in great detail in the "Journal" of Colonel William Fleming, Durrett MSS. (Fleming). It contains some 42 closely written pages (Durrett's typewritten copy) and contains lists of the officers and a list of the slain. Also John Stuart's account of the Battle of Point Pleasant. Durrett MSS.

[3] Only the claim of the Cherokees was now left to be met and that was shortly done at the Treaty of Wataga.

CHAPTER II

TRANSYLVANIA, THE LAST EXPERIMENT IN PROPRIETARY GOVERNMENT

THE victory of Point Pleasant rendered the navigation of the Ohio comparatively safe for the time being, and also greatly reduced the dangers incident to a visit to the Kentucky wilderness. The fame of the region had spread prodigiously during Lord Dunmore's war, as hunters and surveyers, fresh from the glories of this adventurers' paradise, had served in the army of Virginia during the war, and had enlivened the monotony of camp life, by tales of adventure well calculated to quicken the pulse, and fire the enthusiasm of their fellow-soldiers.[1] Thus the "Western fever" which before had attacked only the most adventurous, spread like an epidemic, men encouraging themselves with the hope that, since the signing of the treaty, settlers would be able to raise their log cabins and plant their corn in peace. That this was the vainest of delusions, events presently showed, but it operated powerfully to awaken a new interest in the great, mysterious West; so powerfully, indeed, that corporate enterprise, regardless of the failures of the Loyal and the Ohio Companies of earlier days, began again to raise its head, and look toward the fair lands of the Ohio.

Whether Daniel Boone had made his first great journey

[1] "When the soldiers came home they told us about Kentucky, a new discovered, wonderful country." "Autobiography and Diary of Daniel Trabue." Unpublished MS., Durrett Collection.

through Kentucky as the confidential agent of a great land corporation, later to announce itself as the Transylvania Company, no one can assert with authority; but it is certain that, not many months after the battle of Point Pleasant, he was acting as the trusted and secret agent of such a corporation.[1]

Colonel Richard Henderson, a native Virginian, who for some years had filled the position of Judge on the bench of the Superior Court of North Carolina, had seen in the rising West, a vision of a wider field for his really great talents. He formed a corporation, composed of himself and eight associates, with the ambitious purpose of purchasing from the Cherokees a vast domain in the Kentucky wilderness, upon which to establish a sort of proprietary colony.[2] It was a scheme of large dimensions, and, under more favorable conditions, might have proved successful; but, in the America of that day, where long established proprietorships were tottering to their fall, it was foredoomed to failure.

After making a preliminary journey through the region, and preparing the leading chiefs for the final settlement, Henderson arranged a council of the "Big Chiefs" and warriors of the Cherokee nation, at the Sycamore Shoals on the Watauga River.[3] Some twelve hundred Indians were present and, with great formality, a pompous and lengthy deed was drawn and signed, conveying to Richard Henderson and his associates, to be enjoyed by them in a corporate capacity as "Proprietors of the Colony of Transylvania," a district composing about "one half of the modern

[1] Winsor's "Westward Movement," p. 81; Bogart's "Boone," p. 118.
[2] Brown's "Political Beginnings of Kentucky," p. 26.
[3] Ibid., p. 25.

state of Kentucky and the adjacent part of Tennessee, lying within the southerly bend of the Cumberland." [1] This treaty was signed and concluded on March 17th, 1775, the payment of ten thousand pounds sterling, in goods, being made by the representatives of the Company.

But the formal possession of such a grant was quite a different thing from its actual possession; for, even had the purchase not been illegal in a number of ways, [2] there still remained the task of providing for the settlement of this wilderness. As a first step toward this end, and while negotiations for the purchase were in progress, Henderson arranged for Boone to mark a road from the older settlements westward to the new possessions; and, as soon as the success of the purchase seemed assured, the task of opening the famous highway since known as "Boone's Wilderness Road" was begun. "Having collected," to quote the pioneer's own simple account of the achievement, "a number of enterprising men, well armed, we proceeded with all possible expedition until we came within fifteen miles of where Boonesborough now stands, and there we were fired upon by a party of Indians that killed

[1] Winsor's "Westward Movement," p. 82; see also Marshall, I, p. 13; Butler, 1834 Ed., p. 27.

[2] This purchase was illegal from a number of points of view.

(*a*) It was contrary to the charter rights of the Virginia Colony whose grant included this territory. See Macdonald's "Select Charters," for Virginia Charters of 1606–1609.

(*b*) It was a violation of the Royal Proclamation of 1763, which had excepted this region from territory open to colonization.

(*c*) In case the treaty of Fort Stanwix (1768) were ultimately accepted as binding, as it subsequently was, the purchase was a violation of rights gained under it, as the Transylvania district lay within the grant there made to the King by the Six Nations. Text of Treaty, Butler's "Appendix."

(*d*) It was contrary to a Virginia statute of 1705, which declared that no private citizen could acquire lands from the Indians. Cf. Durrett's "Kentucky Centenary," p. 38.

two, and wounded two of our number, yet, although surprised and taken at a disadvantage, we stood our ground. This was the twentieth of March, 1775. Three days after, we were fired upon again, and two men killed and three wounded. Afterward we proceeded on to Kentucky River without opposition, and on the fifth day of April began to erect the fort of Boonesborough at a salt-lick, about sixty yards from the river, on the South side." [1]

Thus while Henderson was closing the bargain with the Cherokee nation, Boone, with his gallant band of thirty [2] men, was starting upon the second stage of the undertaking, that of preparing to force a settlement of the lands, that they might quickly rise in value and provide returns upon the vested capital. In the "trace" which he was laboriously making, would soon follow the pack horses and covered wagons which even to-day mark the advance of civilization along our western frontier, for "in all history the road has been the forerunner of civilization." [3]

Colonel Henderson, however, had no intention of acting as a mere financial promoter of the enterprise of settling the wilderness. Boone and his company had been sent ahead to open up the way, in order that Henderson might follow, after assuring himself that every precaution had been taken to secure as clear a title as the Cherokees were able to give. His eagerness to take part in the dangers of the wilderness, and in the toils of the first planting, was

[1] Boone's "Autobiography" as dictated to John Filson. Cf. Hartley's "Boone," Appendix.

[2] Felix Walker, one of Boone's road-making party, made an autobiographical statement in 1824, in which he declared, "Our company, when united, amounted to thirty persons."

[3] Hulbert's "Boone's Wilderness Road," p. 94.

manifested by the fact that, on March 20, 1775, only three days after the signing of the treaty of Wataga, and, as it chanced, the very day of Boone's first encounter with the Indians, he left Wataga with some thirty men, and followed the Wilderness Road toward his new dominion, intending to set up a land office in the fort which Boone had been ordered to build. Henderson felt the dignity of his mission in no small degree, and his diary [1] of the trip shows that he considered no incident of that historic journey to be without interest. "Having finished my Treaty with the Indians at Wataugah," it begins, "Sett out for Louisa and arrived at John Shelbeys in the evening—Tuesday the 21st, went to Mr. John Seviers in Company of Col Williams and Col Hart and staid that day—Wednesday the 22nd—Messrs Williams and Hart set off Home & I staid with Mr. Sevier—Thursday 23rd, Still at Mr. Seviers—N. B. Because our Horses were lost . . . as Messrs Hart and Luttrell made a poor Hand of Traveling." [2]

And thus the diary continues, recounting, day by day, the petty annoyances of frontier camp life. It informs us that Henderson found it necessary to make a house to secure the wagons which could be dragged no farther; and that "Sam'l Henderson's and John Farrier's Horses took a Scare with their packs. Run away with Sams' Saddle & Briddle," etc., etc. The entry of Friday, the 7th of

[1] The "Diary" is reprinted in part in Hulbert's "Boone's Wilderness Road," pp. 101–107. There, however, it runs only up to Thursday the 20th, while the copy given in Collins, II, p. 498, condenses the part dealing with the trip and adds a much more detailed account of the period from April 20th to July 12th, a period of great interest in the history of the Transylvania Colony.

[2] Hart, Luttrell and Williams were all members of the Corporation of Transylvania.

April, however, is more important; "About 11 o'clock received a letter from Mr. Littereal's camp that were five persons kill'd on the road to the Cantuckee by Indians. Capt. Hart uppon the receipt of this News Retreated back with his Company and determin'd to Settle in the Valley to make corn for the Cantuckey People. The Same Day, Received a letter from Dan Boone that his Company was fired uppon by Indians, Kill'd Two of his men—tho he kept the ground and saved the Baggage &c."

The letter from Boone here referred to is addressed, "Col. Richard Henderson—these with care," and reads thus:[1]

"Dear Colonel: After my compliments to you, I shall acquaint you of our misfortune. On March the 25th a party of Indians fired on my Company about half an hour before day, and killed Mr. Tevetty and his negro, and wounded Mr. Walker very deeply, but I hope he will recover.

"On March 28th, as we were hunting for provisions, we found Samuel Tate's son, who gave us an account that the Indians fired on their camp on the 27 day. My brother and I went down and found two men killed and scalped, Thomas McDowell and Jeremiah McPheeters. I have sent a man down to all the lower companies in order to gather them all to the mouth of the Otter Creek. My advice to you, Sir, is to come or send as soon as possible, your company is desired greatly, for the people are very uneasy, but are willing to stay and venture their

[1] Boone to Henderson, April 1, 1775. This letter appears in full in Collins, Vol. II, p. 498; Bogart's "Boone," p. 120, also copies it, giving the same date; but Hartley's "Boone," p. 98, presents it under the date April 15, 1775, evidently an error.

lives with you; and now is the time to frustrate the intentions of the Indians, and keep the country, whilst we are in it. If we give way to them now, it will ever be the case. This day we start from the battleground, for the mouth of Otter Creek, where we shall immediately erect a fort, which will be done before you can come or send—then we can send ten men to meet you if you send for them.

"I am, Sir, your most obedient

DANIEL BOONE."

"N. B. We stood on the ground and guarded our baggage till day, and lost nothing. We have about fifteen miles to Cantuck (Kentucky River) at Otter Creek."

The news contained in this letter spread through the district with astonishing rapidity, revealing to many an adventurer the unwelcome fact that the victory at Point Pleasant had not completely settled the Indian question. In his entry of April 8th, Henderson says: "Met about 40 persons Returning from the Cantuckey, on Acct. of the Late Murder by Indians. Could prevail on only one to return. Several Virginians who were with us turned back from here."

After dispatching Captain Wm. Cocke, to inform Boone of their approach, Henderson and his Company followed as rapidly as the difficulties of the way permitted, but the next day they met another band of fugitives, nineteen in number, who were making all haste to get out of the "land of promise." A few of these yielded to Henderson's persuasion, and joined in the march toward Boonesborough, where they all arrived in safety, on the twentieth of April, 1775, the very day upon which began the process of penning up General Gage in the rebellious town of Boston. "We were saluted," the colonel adds, with evi-

dent satisfaction, "by a running fire of about 25 guns, all that were then at the fort—Men appeared in high spirits and much rejoiced at our arrival."

Thus did the last of America's Lords Proprietors enter his domain, a little stockade containing a few rough log cabins and surrounded by a virgin wilderness of some twenty million acres. Presumably this was a good place to try again the ancient experiment of a Lord Proprietorship, but we can now see that, even under the most ideal conditions, no such system of government could have lasted long in the America of 1775. The winds of political doctrine had long been blowing in a direction quite contrary to such an arrangement, as the heirs of the Penns and the Calverts had already come to understand.

And, in the case of the Transylvania Colony, conditions were by no means ideal. In the first place the presence of some two hundred and thirty men, with claims established at various points in Kentucky, before the organization of the Transylvania movement, and resting upon the authority of Virginia, whose laws had been openly violated by the purchase of Wataga, augured ill for the peace of the Lords Proprietors.

These claims were for the most part located in the vicinity of three so-called settlements, Harrodsburg, Boiling Spring, and St. Asaph, and to the first of these must be ascribed the honor of being the first permanent settlement in Kentucky. As early as June 16, 1774, it had been laid out by Captain James Harrod and some thirty companions,[1] each man being assigned a town lot of one-half acre

[1] Names, Collins, II, p. 517. One of these companions of Harrod was James Harlan, father of Hon. James Harlan, one of the authors of Kentucky's Civil and Criminal Code. He was also the grandfather of Mr. Justice Harlan of the

and an "out lot" of ten acres. They had been in the midst of the interesting process of making these assignments, when Daniel Boone and Michael Stoner arrived with Governor Dunmore's warning that the Northern Indians were about to take the war path, and, in spite of the urgency of his mission, Boone had taken time to assist the settlers in this task, in return for which he had been assigned a lot with the rest. After the peace, Harrod and his Company were among the first to recross the mountains, and, by March 15, 1775, they had reoccupied their village, which has never since that day been completely abandoned.[1]

Thus, so far as Harrodsburg was concerned, it was hardly to be expected that the overlordship of the Transylvania Company would be permanently accepted without question, even though Henderson was wise enough not to attempt to interfere with land titles which had been already completed.

The other two claim centers, Boiling Spring and St. Asaph (sometimes called Logan's Fort) had not as yet risen to the dignity of fortified stations, and indeed were not in any sense settlements, when Henderson arrived at Boonesborough; but they did represent claims, and claims entered and surveyed without the consent or knowledge of the Transylvania Company. Such claims as these—which had been registered and fully paid up, according to the conditions laid down by Virginia law—

United States Supreme Court. Another was Major Silas Harlan in whose honor Harlan County was afterwards named.

[1] Collins, II, p. 517. Here also are summarized the proofs that Harrodsburg, and not Boonesborough, was the first settlement in Kentucky. The name was first written Harrodstown, then, for a time, it was called Oldtown, and finally it received the name Harrodsburg, which it still retains. See Collins, II, p. 605.

were of course safe, but there were others where these conditions had not been fully met, and to these the pretensions of the Transylvania Company might mean serious complications.

There can be little doubt that the Company was from the first in very unpleasant uncertainty as to what would be the attitude of these claim-holders toward its pretensions, and that uncertainty was greatly increased by the news, which shortly reached Boonesborough, that Lord Dunmore, Governor of Virginia, had, on March 21, 1775, issued a proclamation denouncing, in unmeasured terms, "One Richard Henderson and other disorderly persons, his associates, who, under pretense of a purchase from the Indians, contrary to aforesaid orders and regulations of His Majesty, has set up a claim to lands of the crown within the limits of the colony." The proclamation strictly enjoined "All Justices of the Peace, Sheriffs and other officers, civil and military, to use their utmost endeavors to prevent the unwarrantable and illegal designs of the said Henderson and his abettors.[1]"

The effect of this Proclamation was, of course, to array Virginia against the Transylvania Company,[2] and ultimately to shatter the faith of such as might otherwise have been disposed to take Henderson and his Company at their own valuation.[3] Of these latter there were few, for the Kentucky pioneer embodied, to a remarkable de-

[1] Copy of Lord Dunmore's Proclamation in Durrett MSS. Lord Dunmore, in the Proclamation, does not complain that the Transylvania Company has violated the law of Virginia which forbade the purchasing, by private citizens, of land from the Indians, but bases his proclamation upon the King's purpose to have all these lands surveyed in strips and sold at auction.

[2] Durrett's "Centenary of Kentucky," p. 38.

[3] Governor Martin of North Carolina also promptly denounced the Wataga purchase as illegal. See Ramsey's "History of Tennessee," p. 126.

gree, the spirit of personal liberty. Accustomed as he had been for two years past, to take up land and abandon it at his pleasure, to survey where and when he chose, to carve a name on a tree as the record of ownership, to plant his corn and go his way, returning in his own good time to harvest his crop, he was not disposed to bow in quiet resignation to the over-lordship of Henderson and his Company.[1]

Discouraging as these facts were, they did not for a moment check Henderson's operations. He proceeded to inspect the fort which Boone had erected, and found that it was too small to accommodate the new party as well as the old. He also found that Boone had put into operation arrangements similar to those which he had helped Harrod and his company to complete at Harrodsburg, the previous summer. He had laid out most of the good land adjacent to the fort, into two-acre lots, and had assigned them to his company. No room was left for Colonel Henderson and his men, who, therefore, decided to erect a fort on the opposite side of a large lick, near the river bank, some three hundred yards distant. Accordingly, having marked off fifty-four lots about this new site, Henderson gave notice that they would be assigned, at a drawing to be held the evening of April the twenty-second.

At this point arose the first serious dispute over land claims. Robert and Samuel McAfee, whom Henderson had met escaping from the district only a few days before, and had persuaded to return with him, refused to draw, stating that they preferred to return to their claims, some fifty miles down the Kentucky River. "I informed them myself, in the hearing of all attending," says Hender-

[1] Collins, II, p. 509.

son,[1] "that such settlement should not entitle them to lands from us." Here then is the first explicit statement of the Transylvania Company with reference to land grants, Henderson plainly announcing that the days of squatter ownership within the region, covered by the Watauga purchase, were at an end.

A few days later, Captain John Floyd, leader of a Company of thirty Virginia settlers, who had a camp on Dick's River, came to Henderson to learn upon what terms he and his followers might secure land from the Transylvania Company. Henderson, knowing that Floyd was deputy surveyor of Fincastle County (a rival jurisdiction), not unnaturally suspected him of being a spy sent to gather damaging evidence against the Company, and so the gallant Floyd, "as frank and honest a gentleman as ever donned the hunting shirt," got very little information in reply to his questions.[2]

While Captain Floyd was still at Boonesborough, waiting for a definite answer to his questions, there appeared in the station two other noted pioneers, Colonel Thomas Slaughter and Captain James Harrod,[3] intent upon similar business. On May 8th, Henderson records in his "Journal": "Was very much embarrassed by a dispute between the above. The last mentioned gentleman [Colonel Harrod], with about forty men, settled on Salt River last year (1774), was driven off [by the Indians]

[1] Henderson's "Journal," April 21.

[2] Floyd later became surveyor-in-chief of the Transylvania Colony. Floyd's visit is described in Henderson's "Journal," May 3, 1775. Cf. also Durrett's "Centenary of Kentucky," p. 40.

[3] These pioneers from the other stations doubtless came in response to Boone's invitation, for in his letter to Henderson, dated April 1, 1775, Boone says, "I have sent men down to all the lower companies in order to gather them all to the mouth of the Otter Creek." Collins, II, p. 498.

joined the army [1] with thirty of his men, and being determined to live in this country, has come down this Spring, accompanied by about fifty men.—They had come on Harrod's invitation, and had got possession some time before we got here.

"We were afraid," he adds, with the frankness of an honest man communing with his own soul, "we were afraid to determine in favor of the right [2] side; and, not being capable, if we could have wished it, to give a decree against them, our embarrassment was exceedingly great." To divert the debate and draw them a little off so disagreeable a subject, Henderson proposed the assembling at Boonesborough, of delegates from all the stations, to draw up a plan of legislation; and, this suggestion having been agreed to, he issued instructions for the election of such delegates.

This first legislative gathering of the district was called to order (May 23, 1775) by Colonel Henderson, who welcomed its members with a short speech, prepared with all the formality and bombast of a Senatorial utterance. He pointed out the need of law in a civilized community, and laid great emphasis upon the dignity of the occasion. "You, perhaps, are fixing a palladium, or placing the corner stone of an edifice, the height and magnificence of whose superstructure is now in the womb of futurity and can only become great and glorious, in proportion to the excellence of its foundation."

In urging the prompt establishment of courts of law,

[1] The army of Colonel Lewis which won the battle of Point Pleasant, October 10, 1774.

[2] Here I quote from the MSS. of Henderson's "Journal," preserved in the Durrett collection. It differs greatly at this point from the copies which will be found in Collins, II, p. 500, and in Smith, p. 46.

Henderson declares that if such things are not promptly attended to, "our name will become odious abroad, and our peace of short and precarious duration." Then, recalling Lord Dunmore's Proclamation, he adds, "It would give honest and disinterested persons cause to suspect, that there are some colorable reasons, at least, for the unworthy, scandalous assertions, together with the groundless insinuations contained in an infamous and scurrilous libel lately published concerning the settlement of this country, the author of which avails himself of his station, and under the specious pretense of proclamation pompously dressed up and decorated in the garb of authority, has uttered invectives of the most malignant kind, and endeavors to wound the good name of persons whose moral character would derive little advantage by being placed in competition with his." [1]

After sadly misquoting the Proclamation and making it appear far more abusive than it really was, Henderson closed his address with a request for the passage of suitable laws, to prevent the "wanton destruction of our game."

It was in all respects the speech of a man who felt immoderately the dignity of his position, and wished to have others feel it likewise. He and his associates had "contemplated the establishment of a proprietary government as nearly as possible on the model of those existing by royal grant," [2] and, although unforeseen conditions had forced Henderson to give it rather the aspect of a democracy, he still clung tenaciously to the pomp of proprietorship.

[1] "Minutes of the Meeting," Durrett MSS.

[2] Brown's "Political Beginnings of Kentucky," p. 29.

Two days after the delivery of this address, a committee "waited on the Proprietors with a very humble reply, which they asked leave to read." [1] Permission was graciously granted, and, after the reading, the assembly at once proceeded to the task of legislating for the Colony.

There was no legislation concerning the franchise, nor for regulating the conditions for securing land grants in the Colony, the latter being the very question which had caused the summoning of the Assembly. Upon one occasion the assembly ventured to send Todd and Harrod to ask the Proprietors, "what name for this colony would be agreeable." They promptly reported, "That it was their pleasure that it should be called Transylvania,"—rather a royal sounding reply for a democratic government, but it settled the question.

Next the Assembly sent Harrod, Boone, and Cocke to "wait on the Proprietors, and beg that they will not indulge any person whatever in granting them lands . . . unless they comply with the former proposals of settling the country," etc.

This was an evident attempt to forestall any system of absentee landlords, and was therefore quite suggestive of popular distrust of the Company. The "Journal" gives us no definite record of any reply from Colonel Henderson, but it prints a "message received from the Proprietors," and signed by Henderson, which is itself as explicit an answer as could be framed, without making the least reference to the petition. "To give every possible satisfaction to the good people, your constituents, we desire to ex-

[1] The text of the minutes of all these proceedings is preserved in MSS. in the Durrett collection. It is believed to be the original "MS. Journal of the Convention."

hibit our title deed from the Aborigines and first owners of the soil of Transylvania, and hope you will cause an entry to be made of the exhibition in your journal." This was equivalent to telling the Assembly that those in whom was vested the proprietorship of the Colony would make such arrangements as they chose, respecting the granting of land titles, though in form it was an invitation to the representatives of the people to assure themselves that the Transylvania Company was the real owner of the territory. To this proposition the Assembly at once assented, and "Colonel Henderson personally attended the Convention, with John Farrow, Attorney in fact for the head warriors or chiefs of the Cherokee Indians," and exposed to view the Wataga deed of the 17th of March, 1775. The Assembly, having inspected this formal and somewhat verbose document, signed by the three great chiefs, Oconistoto (The King), Attacullacullah (Little Carpenter), and Savonooko (Raven Warrior), turned their attention to the preparation of a formal compact to be entered into by the proprietors and the people. This compact, signed and sealed on the 27th of May, 1775, guarantees the annual election of delegates, religious freedom, independence of the Judiciary, and other similar provisions for a free government.

As the delegates returned to their respective stations, discussing what had been done during the session, and as they described to "their constituents," as Henderson had grandly termed them, the lofty and patronizing manner in which that gentleman had borne himself, the pioneers began to take alarm, and some who had, up to this time, been in sympathy with the Proprietors, showed signs of dawning hostility. Men who had come out into the wil-

derness and, amid untold hardships and dangers, had selected estates for themselves, saw that, if Henderson and his company should carry out their program, the colony would be, not under a free government where all men are equal, but under a proprietary government, designed for the benefit of the few.

This discontent soon began to show itself in the drift of population. When Colonel Henderson had first reached Boonesborough (April 20, 1775), he had found that, his own companions included, the garrison consisted of about sixty-five guns. Before many weeks had elapsed that number had been increased to eighty, but by the middle of June, under the influence of the prevalent discontent, the number had dwindled down to fifty, and was steadily declining.

That Virginia was hostile to their plans, Lord Dunmore's Proclamation had left no room for doubt; and that North Carolina was unfriendly, Governor Martin's denunciations of the Wataga treaty had made as evident. Moreover, the colonists themselves, at first unresisting,[1] were every day becoming more savage in their denunciations; and of the new settlers who were pouring into the region, the strongest and best avoided Boonesborough. A few men were still disposed to acknowledge unquestioningly the authority of the Company, and paid their charges without a murmur, happy in the thought that their titles were thus secured; but many relied wholly upon the titles of Virginia, without respect to the claims of the Proprietors, whom they denounced as impostors.

[1] Butler, 1834 Ed., p. 30, gives the impression that the Transylvania Company was for some time very popular with the settlers. This is evidently an error. Cf. Collins, II, p. 512. Large entries of land were undoubtedly made in their land office, but chiefly by newcomers.

Thus affairs became more and more complicated for the Company, until at last the Proprietors felt compelled to formulate definite measures concerning land claims, and such a policy was accordingly outlined. It provided first that there should be an agent and general manager of the business interests of the Company, residing in the Colony and receiving a stated salary, payable out of the profits from the sale of lands. This important position was assigned, not to Colonel Henderson, but to another of the Proprietors, Colonel John Williams.

Williams was bound down by explicit instructions. He was forbidden to "grant any lands adjoining Salt Springs, gold, silver, copper, lead or sulphur mines, knowing them to be such." [1] In drawing deeds he was instructed to reserve "one half of all gold, silver, copper, lead and sulphur," to the Proprietors, thus securing them against loss in case of accidental violation of the first, not very generous, regulation. Grants along navigable rivers should always have twice as much depth as river frontage; not in itself an unfair provision, but one which the settlers, accustomed to choose their lands as they pleased, were certain to resent, even as they resented any real restrictions upon their freedom of choice. The price of lands was also definitely fixed,[2] in a schedule which was to run until June 1, 1776.

[1] "Minutes of Oxford Meeting of the Proprietors of Transylvania," September 25, 1775, Durrett MSS.

[2] Among the Durrett MSS. is a statement of the terms upon which the lands of the Transylvania Colony can be obtained. It is dated Williamsburg, Virginia, September 30, 1775, and is evidently one of the advertising announcements sent out by this meeting at Oxford. Collins, II, p. 512, gives a list of the prices. It was also voted "that a present of 2,000 acres of land be made to Colonel Daniel Boone with the thanks of the Proprietors, for the signal service he had rendered to the Company."

Thus the Proprietors made definite and formal the very conditions, the mere suspicion of which had already driven men like Harrod and Slaughter into open hostility, and it should not, therefore, have surprised them that, a few months later, their agent complained of "a conspiracy not to hold lands on any other terms than those of the first year."

Having thus disposed of the difficult question of land grants, the meeting proceeded to consider the more serious subject of the hostility of Virginia and North Carolina. Henderson and his fellow Proprietors were too intelligent and too experienced in affairs to dream of successfully floating so vast an enterprise against such opposition, unless they could secure the recognition and support of a still higher power, namely, the Continental Congress, then sitting at Philadelphia. They, therefore, determined to make an effort to secure that support, and prepared a formal memorial, requesting "that Transylvania be added to the number of the United Colonies," adding, as a bit of "patriotic fireworks," which it was hoped would touch that great Revolutionary Assembly, that "having their hearts warmed with the same noble spirit that animates the Colonies, and moved with indignation at the late ministerial and parliamentary usurpations, it is the earnest wish of the Proprietors of Transylvania to be considered by the Colonies as brothers, engaged in the same great cause of liberty and mankind." [1]

James Hogg, one of the Proprietors, was appointed to carry this appeal to the Continental Congress, and to ask

[1] Brown's "Political Beginnings of Kentucky," p. 32, quotes a part of the petition, and Collins, II, p. 512, a still smaller part. The petition itself is preserved in full in the Durrett MSS.

to be seated as the delegate from Transylvania. Hogg took up his journey at once, and on October 22, 1775, entered the portals of Independence Hall, where sat the fathers of the Republic. About six weeks later he sent Colonel Henderson an account of his interviews [1] with those fathers. He reports conversations with Samuel and John Adams, who, he said, seemed pleased with the idea, but objected that "taking under our protection a body of people who have acted in defiance of the King's Proclamation will be looked on as a confirmation of that independent spirit with which we are daily reproached." [2] Hogg answered this objection by exhibiting the memorial which gave strong expression of loyalty to the King. "They were pleased with our memorial," he says, "and thought it very proper." But looking over the map, they discovered that Transylvania comprised a part of the original Virginia chartered grant. They then advised Mr. Hogg to consult the Virginia delegation on the subject, as they were unwilling to take any steps in the matter without the latter's consent.

So Hogg approached Jefferson and Wythe, and explained to them the nature of his mission. These also examined the map and "observed that our purchase was within their charter, and gently hinted that by virtue of it they might claim the whole." Jefferson added, however, that his advice to Virginia would be to make no use of her charter rights in this case, except to prevent any

[1] "Hogg to Henderson," December 2, 1775. Durrett MSS. The above account of Hogg's experiences in Philadelphia is based almost wholly upon this letter, which has never before been made public.

[2] Here Samuel Adams was evidently "playing to the gallery" as he had, as long ago as 1768, decided that the independence of the American Colonies was the only course open to them.

arbitrary or oppressive government from being established within her chartered boundaries. "But he would not consent that we should be acknowledged by the Congress, until it had the approbation of their Constituents in Convention, which he thought might be obtained."

"I was," he writes, "several times with Mr. Dean of Connecticut. He says he will send some people to see our country; and if their report be favorable, he thinks many Connecticut people will join us. This gentleman is a scholar and a man of sense and enterprise, and rich, and I am apt to believe has some thoughts of heading a party of Connecticut adventurers, providing things can be made agreeable to him. He is recognized a good man, and much esteemed in Congress; but he is an enthusiast on liberty and will have nothing to do with us unless he is pleased with our form of Government. He is a great admirer of the Connecticut Constitution, and was so good as to favor me with a long letter on that subject, a copy of which is enclosed.[1] You would be amazed to see how much in earnest all these speculative gentlemen are about the plan to be adopted by the Transylvanians. They entreat, they pray that we may make it a free Government, and beg that no mercenary or ambitious views in the Proprietors may prevent it. Quit rents, they say, is a mark of vassalage, and hope they shall not be established in Transylvania. They even threaten us with their opposition, if we do not act on liberal principles when we have it so much in our power to render ourselves immortal. Many of them advised a law against negroes."

At this point Hogg's letter comes to an end, leaving the result of his mission still in doubt, but, from the deposi-

[1] This letter has not been discovered.

tion of Patrick Henry, taken several years later,[1] we are able to see why, after such encouragement, it proved a complete failure. The Continental Congress rejected the memorial from the Transylvania Company because Patrick Henry employed his great talents to prevent its recognition. Hogg apparently tried what we sometimes call "the modern method" of securing his end. He went to Patrick Henry and offered to make over to him certain stock in the Transylvania Company. "The deponent further says," so runs Henry's deposition, "that William Henderson and his partners,[2] very soon after their supposed purchase joined in a letter to this deponent,[3] in which was contained, as this deponent thinks, a distant though plain hint that he, the deponent, might be a partner with them." Henry also states that numerous other messages to the same effect were received "from Messrs. Henderson & Co." all of which he refused, with the "strongest disapprobation of their whole proceedings, giving as a reason that the People of Virginia had a right to the back country derived from their Charter and the Blood and Treasure they expended on that account." The Transylvania Company had overshot the mark in seeking thus to conciliate the hero of the Parson's Cause.

In the meantime, their new land regulations were rapidly preparing the last chapter of the Company's history in the Colony, and soon the discontented came forward to test their strength in open conflict with the hated corpora-

[1] Deposition of Patrick Henry, June 4, 1777, "Calendar of Virginia State Papers," p. 289. Reproduced in Collins, II, p. 496.

[2] William Henderson for Richard Henderson.

[3] Doubtless a letter with which Hogg had been supplied before leaving his colleagues at Oxford.

tion. A petition addressed, "To the Honorable the Convention of Virginia," [1] was drawn up and signed by eighty-four settlers who had entered land in the office of Colonel Williams, and had become convinced of the insecurity of the titles granted by that office. This document states that the petitioners had been lured by a specious show of easy terms to take up land and settle within the region claimed by the Transylvania Company, under the faith that they were receiving "an indefeasible title;" that the Company had advanced "the price of the purchase money," and had "increased the fees to entry and surveying to a most exorbitant rate," making it evident that they intended "rising in their demands as the settlers increase, or their insatiable avarice shall dictate." It further declares that the petitioners have lately learned, from a copy of the treaty of Fort Stanwix, that the purchase of Henderson & Company falls within the territory covered by that treaty, and is therefore of doubtful validity; that, moreover, as there is the greatest reason to presume that his Majesty will sooner or later vindicate his title secured by that treaty, the petitioners are in imminent danger of being "turned out of possession, or obliged to purchase their lands and improvements on such terms as the new grantee or proprietor (with a new deed from the King) might think fit to impose." For these reasons the petitioners implore, "to be taken under the protection of the honorable Convention of the Colony of Virginia, of which we cannot help thinking ourselves still a part, and request your kind intervention in our behalf, that we may not suffer under the rigorous demands and impositions of the gentlemen styling themselves Proprietors, who, the better

[1] "Petition and Signers," Durrett MSS. Reprint, Collins, II, pp. 510–511.

to effect their oppressive designs, have given them the color of a law, enacted by a score of men, artfully picked from the few adventurers who went to see the country last summer, over-awed by the presence of Mr. Henderson."

This document did not reach the Virginia Convention until the month of March, 1776, and before any definite action had been taken concerning it, a new and startling phase of the question arose. News of war between England and her American Colonies reached the Indian tribes of the Northwest, who, under the encouragements offered them by British agents, began again the barbarous warfare which had been so disastrous before the great victory of Point Pleasant. The danger from this source rendered it imperative that active measures of defence be at once taken. Before that could well be done, however, it was necessary that the question of jurisdiction be definitely determined. If the claim of the Transylvania Company was to stand, it seemed likely that the settlers would have to look out for their own safety; but if Virginia should decide to yield to the appeal which had been made to her, and "take them under the protection of the honorable Convention of the Colony," they might fairly expect military aid from her, especially in view of the enormous importance of this frontier country to the security of Virginia herself.

It was at this critical moment that George Rogers Clark, the future conqueror of the Northwest territory, took up his permanent abode among the Kentucky pioneers. Clark had visited Kentucky, on a brief tour of inspection, during the previous autumn (Sept., 1775), and had been placed in command of the irregular militia of the settlements. He had returned to Virginia, filled with the im-

portance of establishing in Kentucky an extensive system of public defence, and with the firm conviction that the claims of Henderson & Company ought to be disallowed by Virginia. His return to Kentucky, in 1776, marks the beginning of the end of the Transylvania Company. In spite of his youth (he was only twenty-four) he was far the most dangerous opponent that Henderson & Company had in the province. A military leader by nature, he had served in Lord Dunmore's war with such conspicuous success that he had been offered a commission in the British Army. This honor he had declined, preferring to remain free to serve his country in the event of a revolt from British tyranny.[1]

Shortly after his arrival, Clark proposed that, in order to bring about a more certain connection with Virginia, and the more definitely to repudiate the authority of the Transylvania Company, a regular representative assembly should be held at Harrodsburg. His own views he expressed freely in advancing this suggestion. Agents, he said, should be appointed to urge once more the right of the region to be taken under the protection of Virginia, and, if this request should be again unheeded, we should "em-

[1] Daniel Trabue tells us that, after the troops had returned from Lord Dunmore's war, "there was nothing else talked about scarcely but war. Our church parsons and merchants were mostly Scotchmen and English (this refers of course to Virginia not Kentucky); I recollect I heard one parson, to wit, Archibald McRobert (the name in the MS. is crossed out with ink but is still legible) tell my father that the people was deluded by some other preachers, they was not only wrong but fools, he further stated there was as many men in the city of London as we had in North America. There was meetings called to consult about the war there was fast days appointed. Then it was that most of the men had hunting shirts and had liberty marked on their hunting shirts and bunch tails in their head, and the majority of the people said we will fight for our liberty." Daniel Trabue's "Autobiography and Diary." Unpublished MS., Durrett collection.

ploy the lands of the country as a fund to obtain settlers and establish an independent state."[1]

The proposed assembly convened at Harrodsburg on the 6th of June. Clark was not present when the session began, and when he arrived, he found that the pressing question of the day had already been acted upon, and that he himself, with Gabriel John Jones, had been elected a delegate to represent the settlements in the Virginia Assembly. Clark knew that such an election would not entitle them to seats, but he agreed to visit Williamsburg, and present the cause of his fellow pioneers. Provided with a formal memorial to the Virginia Assembly,[2] he started, with Jones, for Virginia and, after a very painful journey, upon which, Clark declared, I suffered "more torment than I ever experienced before or since," they reached the neighborhood of Charlottesville, only to learn that the Assembly had adjourned. Jones set off for a visit to the settlements on the Holston; but Clark, intent upon his mission, pushed on to Hanover County, where he secured an interview with Patrick Henry, then Governor of Virginia.

After listening to Clark's report of the troubles of the frontier colony, and doubtless enjoying his denunciations of the Transylvania Company, Governor Henry introduced him to the executive Council of the State, and he at once requested from them five hundred pounds of powder for frontier defences. He had determined to accomplish the object of his mission in any manner possible, and he knew that if he could induce the authorities

[1] Collins, II, p. 134.

[2] This memorial was in the possession of the late Hon. John Mason Brown; see Brown's "Political Beginnings of Kentucky," p. 38.

of Virginia to provide for the defence of the frontier settlements, the announcement of her property rights in them would certainly follow, to the destruction of the plans of Henderson and his colleagues.

The Council, however, doubtless also foreseeing these consequences, declared that its powers could not be so construed as to give it authority to grant such a request. But Clark was insistent, and urged his case so effectively that, after considerable discussion, the Council announced that, as the call appeared urgent, they would assume the responsibility of lending five hundred pounds of powder to Clark, making him personally responsible for its value, in case their assumption of authority should not be upheld by the Burgesses. They then presented him with an order to the keeper of the public magazine calling for the powder desired.

This was exactly what Clark did not want, as the loan of five hundred pounds of powder to George Rogers Clark, could in no sense be interpreted as an assumption by Virginia, of the responsibility of defending the western frontier, and his next act was most characteristic of the man. He returned the order with a curt note, declaring his intention of repairing at once to Kentucky, and exerting the resources of the country to the formation of an independent State, for, he frankly declared, "a country which is not worth defending is not worth claiming."[1]

This threat proved instantly successful. The Council recalled Clark to their presence and, on August 23, 1776, delivered him another order calling for five hundred pounds of gunpowder, which was to be conveyed to Pittsburg by Virginia officials, there "to be safely kept and

[1] This letter is reproduced in English's "Life of George Rogers Clark."

delivered to George Rogers Clark or his order, for the use of the said inhabitants of Kentucky."

With this concession Clark was completely satisfied, for he felt that by it Virginia was admitting her obligation to defend the pioneers of the West, and that an open declaration of sovereign rights over the territory must soon follow. He accordingly wrote to his friends in Kentucky, requesting them to receive the powder at Pittsburg, and convey it to the Kentucky stations, while he himself awaited the opening of the autumn session of the Virginia Assembly, where he hoped to procure a more explicit verdict against the claims of Henderson's Company.

At the time appointed for the meeting, Clark, accompanied by his colleague, Gabriel John Jones, proceeded to Williamsburg and presented his petition to the Assembly,[1] where again his remarkable personality secured a victory. In spite of the vigorous exertions of Henderson and Campbell in behalf of the Transylvania Company, the Virginia Assembly (December 7, 1776)[2] passed an act dividing the vast, ill-defined region, hitherto known as Fincastle County, into three sections, to be known as Kentucky County, Washington County and Montgomery County, Virginia. The County of Kentucky, comprising almost the same territory as is contained in the present State of Kentucky, was thus recognized as a political unit of the Virginia Commonwealth, and as such was entitled to representation.

This statute decided the fate of the Transylvania Company, as there could not be two Sovereign Proprietors of

[1] They hailed as representatives from "the western part of Fincastle County, on the Kentucky river," for want of a better title. Collins, II, p. 611.

[2] Hening's "Statutes at Large of Virginia," IX, p. 257; Brown's "Political Beginnings of Kentucky," p. 39.

the soil of Kentucky County. And so passed, a victim to its own lust of gain, the last attempt to establish a proprietary government upon the free soil of the United States; and George Rogers Clark, as founder of Kentucky's first political organization, became the political father of the Commonwealth, even as Daniel Boone had been the father of her colonization.

CHAPTER III

KENTUCKY'S PART IN THE AMERICAN REVOLUTION

THE fate of Henderson's detested corporation having been decided, Clark was preparing to return to his home in the new county of Kentucky, when he received news that, although the precious powder, which had cost him such a conflict, had been conveyed to Pittsburg, as the Virginia Council had promised, no one had as yet appeared to bear it to its destination beyond the mountains. This task was by no means either a safe or an easy one, as the news of its intended transmission had in some way reached the Indians; but Clark and Jones started at once for Pittsburg, determined that, at any cost, the stations should receive their ammunition. Securing a small boat and seven boatmen, they placed the precious freight aboard, and quietly embarked for their dangerous journey down the Ohio. They were hotly pursued by Indians who, however, were not provided with boats of sufficient size to follow by water, and were compelled to make their way along the wooded banks, so that by the time Clark reached a point near the present site of Maysville, known as the Three Islands,[1] his pursuers were far behind. Running the boat quietly along the shaded bank of one of the islands, he entered the mouth of Limestone Creek, and carefully concealed the powder at different points in the thick underbrush which lined the shore.[2] He then allowed

[1] Collins, II, pp. 135, 445.

[2] Details given in Butler, 1834 Ed., p. 41.

the empty boat to drift down the river to decoy the enemy, while he and his companions proceeded unencumbered toward Harrodsburg, from which place he hoped to send back a guard to bring in the hidden cargo.

After a short journey through the forests, the party came upon the lonely cabin of John Hinkson, where they met land surveyors who told them that the Indians had recently become so numerous in that district, as to cause the abandonment of most of the smaller stations. They also reported that Colonel John Todd was in the immediate neighborhood with a party sufficiently large, if added to Clark's own number, to convey the hidden powder in safety to Harrodsburg. Clark, therefore, left Jones and five of the boatmen, with directions to secure the aid of Todd and his party, while he himself, in company with the other two men, pushed on to McClelland's Fort.

Here he found a condition bordering on despair. The station had been so weakened by desertions, since the renewal of the Indian attacks in the region, that the garrison was scarcely sufficient to maintain the post, and no men could be spared, for even so important a purpose as that of securing the much needed ammunition. Clark, therefore, hurried on to Harrodsburg, piloted by Simon Kenton. Here a guard of sufficient strength was supplied him, and he hastened back to rejoin his companions at Hinkson's; but arrived too late to prevent disaster.

Shortly after Clark's departure, Colonel Todd had arrived with some half-dozen men, and, upon learning of the hidden stores, had persuaded Jones to lead him to the place where they had been deposited. It was a foolishly daring attempt, as events soon proved; for, as Todd and his little company of ten approached the banks of Limestone Creek,

(Christmas Day, 1776), they were attacked by a large band of savages under the famous Mingo Chief, Pluggy, who had been following Clark's trail, having discovered that his boat had been abandoned. Jones and William Graydon were killed, and two more of the party captured, while Todd with his five remaining men escaped to McClelland's Station where Clark and Kenton found them. Their arrival alone prevented a still more serious disaster, as Pluggy and his warriors knew that the station was in no condition to resist a determined attack, and, on January 1, 1777, moved forward for its destruction. Meeting an unexpected resistance, in which their chief was killed, they soon withdrew, leaving McClelland and two of his garrison dead on the field of battle.[1] Their retirement gave the opportunity so ardently prayed for, and Clark hastened to secure the precious powder, and convey it to Harrodsburg, while the startled inhabitants of McClelland's Station sought the greater security of the stockaded forts, or hastily retraced their steps across the mountains to their old homes in the "Settlements."[2]

The news of Clark's return afforded great satisfaction to the five or six hundred pioneers, huddled together in the stockaded forts of Kentucky,[3] and the powder, which was shortly distributed among the various stations, was a gift of priceless value, which, as they well understood, could never have reached them, but for the heroism and self-sacrifice of their new military leader. They rejoiced too

[1] Butler, p. 42.

[2] Kenton and the majority of the inhabitants of McClelland's took up their abode at Harrodsburg. Collins, II, p. 445.

[3] Winsor ("Westward Movement," p. 111) places the population of the Kentucky forts at the opening of 1777 as about six hundred, only one-half of whom were "arms-bearing."

at his victory over Henderson, by which it had been made possible for them to secure indefeasible titles to their lands, and at the thought that they were forever rid of quit rents, and were no longer subject to a band of lordly Proprietors.[1] But their chief joy arose from the fact that they again saw among them the heroic figure of the man whom they had already begun to consider a leader capable of providing some effective means of defence against their savage enemies,[2] now aided and abetted by the British.

Their own methods, though heroic and picturesque to a degree, had not been very effective. Kentucky warfare, before the appearance of Clark, had been largely a matter of individual prowess, each pioneer selecting his own ground, carefully calculating the time and manner of the attack, and closing the campaign whenever he pleased. He would sharpen his hunting knife, shoulder his long rifle, fill his pockets with parched corn, as a convenient substitute for bread, and start for the Indian country, without the flourish of trumpets, or the inspiring beating of the drum. On arriving upon the enemies' soil he would crouch like a panther, stealthily approach the savage tents, and patiently await his chance of shooting an Indian, or of capturing a horse; then he would return to the planting of his crops, until exasperated to the point of making another attack. Even the more ambitious enterprises, styled "expeditions," had been merely the combination of a number

[1] Instead of a government of Proprietors they soon found themselves living under a regular, organized, county government, which was set up early in 1777. The details of the organization are given in full in Marshall, I, pp. 47–48. (See Collins, II, p. 606.) Collins, II, 475, says that the first court was held at Harrodsburg, January 16, 1781, evidently an error.

[2] Clark took regular military charge of the Kentucky settlements, early in the Spring (1777). Collins, II, p. 445.

of such private ventures, lacking both the formality and the dignity of real military expeditions. They were daring attempts to fight the savages according to their own military code, and were the result of necessity, rather than of deliberate choice. This method had answered the purpose as long as the savages had adhered to their practice of individual attacks, but, as the year 1776 drew to a close, it became evident that the American Revolution had introduced serious changes into savage warfare. The Indians were organized as they had never been organized before, and, although their British allies never succeeded in imposing real military discipline upon them, the raid of 1777 promised to be far more difficult to resist, than any which the pioneers had, as yet, been called upon to meet.

Clark's return was, therefore, timely, and his presence most encouraging to the little frontier stations over whose military fortunes he had chosen to preside. As he talked to the settlers, and gathered details of their personal encounters and hairbreadth escapes, during his long absence in Virginia, he became more and more convinced that only by a campaign into the enemies' country could the period of border massacre be brought to a close. He suspected that the murderous bands which, from time to time appeared in Kentucky, were in British pay, and were designed to draw off troops from Washington's main army.[1] That this was true, the full history of the matter has since shown. Colonel Henry Hamilton, whom the shrewd Carleton, Governor General of Canada, had put in charge

[1] Winsor's "Westward Movement," pp. 111, 127. At a glance Clark had discovered what had so long escaped the watchful eyes of Virginia's great statesmen, that the true source of the Indian devastations was the British posts, Detroit, Vincennes and Kaskaskia. Butler, 1834 Ed., p. 45.

of the post of Detroit,[1] had secured the Shawnees and Wyandots as allies, and, in anticipation of orders which he had asked of Germain, was keeping them happy, and was seeking to attract other savage tribes, by sending them in raids against the American frontiers.[2] His own statement of the following July shows that, up to that date, he had organized and dispatched no less than fifteen parties upon this fiendish mission.[3]

As a safeguard against surprises, upon which the Indians, still unsupplied with cannon, largely depended when attacking stockaded forts, Clark arranged for the appointment of six spies, pledging the faith of Virginia for the payment of their meager wages. They were detailed in turn, two each week, to range up and down the Ohio and about the deserted stations, and they added much to the security of the District, until the days of the great invasions which came with the advance of that memorable Spring (1777).

Toward the end of February, Hamilton, sitting comfortably in his headquarters at Detroit, decided that the time had arrived for crushing at one blow the three little frontier stations of Boonesborough, Harrodsburg, and Logan's Fort. Such a stroke, he plainly saw, would put an end to Kentucky colonization, make Virginia again a

[1] Winsor's "Westward Movement," p. 87. Hamilton had reached his post in November, 1775. Ibid., p. 90.

[2] The expected orders (dated March 26, 1777), were in accord with Hamilton's suggestions, and the course which he was already following.

[3] Few of the British officers brought themselves so much under criticism for inciting savage barbarities as Governor Hamilton. He sang the war songs with the zest of a second Frontenac, and made presents to war parties which returned with white scalps; but it would be difficult to prove that he actually offered rewards as an inducement to the Indians to take scalps. See Winsor's "Westward Movement," p. 127.

frontier accessible to Indian raids, and conciliate the savages, by giving them back their beloved hunting ground south of the Ohio; to say nothing of the advantage of holding in the West, for frontier defence, the experienced troops which Morgan, the American Indian agent for the middle department, was planning to send from Fort Pitt and Fort Randolph, to reinforce Washington's army in the East.[1] The plans were carefully made, and only by a lucky chance was warning given to the little garrison at Harrodsburg, which had been singled out as the first victim. On March 5, 1777,[2] James Ray and several companions, while surveying near Harrodsburg, were suddenly attacked by a band of forty-seven Indians, commanded by the Chief, Blackfish.[3] Ray alone escaped, making such use of his legs as astonished even the savage leaders, and, having gained the fort, gave the alarm. Preparations were hastily made for defence; a militia was organized, ammunition brought out, and water and provisions secured.

Two days later[4] the attack was begun, in characteristic Indian fashion, with a decoy, designed to lure the pioneers outside the protection of their strong palisade. A cabin, standing a little apart from the fort, was fired by the savages, and the unsuspecting settlers rushed out to save their property. Instantly the forest was alive with painted warriors, intent upon cutting off the retreat to the fort. The

[1] The specific circumstance, as Winsor points out, which induced Hamilton to attempt this stroke at that particular moment, was the news that "Morgan, who was now commanding at Fort Pitt, had represented to headquarters in January, 1777, that if militia were drafted to take the place of the garrisons at Forts Pitt and Randolph, the regular companies doing duty there could be sent to reinforce the Eastern Army." Winsor's "Westward Movement," p. 111.

[2] Butler, p. 42; Collins, II, p. 611, puts Ray's escape a few days earlier.

[3] Smith, p. 84.

[4] Marshall, I, p. 48.

whites scattered, each man selecting a tree to serve as a shield, and, retreating toward the fort, kept up a deadly fire with the long rifle, which the pioneer always carried with him. As they reached the entrance, the gates were opened, and a quick rush carried them into a position of safety behind the protecting log walls.

The failure of their plans discouraged the savages, who had no mind to attempt the siege of so strong a fort, while other stations remained which might possibly be taken by surprise. They accordingly vanished as noiselessly as they had come, and, on April 15th, appeared before the walls of Boonesborough, a hundred strong,[1] and began a fierce and persistent attack. The little garrison, however, though numbering barely twenty-two guns, received the assault with such coolness, and with such perfection of aim, that, after two days of battle, the savages retired, taking their dead and wounded with them.

The next attempt (May 20th) was upon Logan's Fort, and fell with terrible and deadly suddenness. The women were milking the cows, and the men standing guard, as was customary in those troubled days, when the attack came. One man was killed and two wounded before the startled pioneers succeeded in reëntering the fort, and when at last the great gates had been secured, the little garrison noticed with horror that one of their wounded had been left outside. They watched him raise himself from the ground with a violent exertion, stagger a few paces toward the gate, and fall back gasping. He was in full view of the fort, and also in short range of the savages, who deliberately held their fire, in the hope that an attempt at rescue would offer them more desirable targets.

[1] Winsor's "Westward Movement," p. 111.

With the garrison it was a conflict between sympathy and duty. The number of effective men in the fort had already been reduced from fifteen to twelve, and each additional loss would bring the women and children nearer to the horrors of capture. At length, however, Colonel Benjamin Logan announced his intention of attempting the hazardous rescue, and called for volunteers to assist him. From such a venture even those hardened warriors of the frontier held back in horror. It was folly. It meant certain and instant death. Shame finally induced John Martin to offer his services. The gate was cautiously opened and the two men sprang forward; but Martin's courage forsook him, and he darted back to the gate which instantly opened to receive him. Logan, undaunted, raised the wounded man to his broad shoulders, and amid a shower of bullets from the savages, and a chorus of cheers from the garrison, bore him to safety behind the walls of the fort.[1]

And now began the horrors of one of the closest and most determined sieges know to frontier history, where no man could foresee the expedients by which the crafty savages would seek to surprise them. At times it was the bold, persistent attack; at times the effort to lure the garrison to its destruction, by a pretended retreat. But, in general, as was their custom when besieging a strong fort defended by a palisade, the Indians aimed to cut off the supplies both of food and water, and, by keeping a close watch, day and night, to prevent any one from passing out or in.[2] By these latter means, they held Logan's Fort for weeks, but

[1] Marshall, I, pp. 50, 51.

[2] Marshall, himself contemporary with the pioneer age in Kentucky, gives a detailed description of how the Indians ordinarily conducted a siege. See Vol. I, pp. 43, 44.

at last, the long and heroic defence was rewarded. In August, Colonel Bowman [1] entered Kentucky County at the head of one hundred men, and directed his course to the almost desperate station.

The savages raised the siege, as he drew near, but made their farewell in a most effective manner. They prepared an ambuscade for Colonel Bowman's advanced guard, which ventured to approach at some distance ahead of the main body, and, having killed several of them, selected one, upon whose dead body they placed copies of a proclamation, signed by Colonel Henry Hamilton,[2] and offering protection to such Americans as would swear allegiance to George III, while threatening the direst vengeance against all who should refuse the mercy thus generously offered. This document, a presumptive proof of Hamilton's connection with the late siege, was discovered by the fellow soldiers of the dead man and given to Logan, who carefully concealed it, fearing that it might prove too tempting an offer to his men, worn out as they were by anxiety, long confinement and privation.

These various attacks, although signally failing to accomplish the chief purpose for which Hamilton had designed them, checked the process of western settlement. Even the few unfortified stations which had weathered the storms of 1776, had fallen before these later invasions, and, by January, 1778, Kentucky County was deserted,

[1] Winsor's "Westward Movement," p. 111, says August. Boone's "Autobiography" says the 25th of July. Cf. Hartley's "Boone." Marshall, I, p. 53, says September.

[2] Marshall assigns the proclamation to Carleton himself, see Vol. I, p. 53, but we know that, some months before, Carleton had received instructions from England, which relieved him of all responsibility for the war, in the regions about the upper lakes, placing the military affairs of that region entirely in the hands of Hamilton.

save for the three gallant little forts, whose combined garrisons, exclusive of the occasional bands of militia sent out by Virginia, numbered only one hundred guns, and whose total population, men, women, and children, did not exceed two hundred souls.[1]

These events confirmed Clark in the opinion that safety for the Kentucky settlements could only be secured by the reduction of the British forts in the Northwest. But before he could hope to accomplish this, he saw that he must gain an accurate knowledge of the country where these hostile posts were situated, and that he must secure the financial and military aid of Virginia, which, as the parent colony, ought, he felt, to be willing to bear the chief burden of such an enterprise. He therefore sent out, during the summer, two spies with instructions to make a thorough investigation of the Illinois country,[2] and to report to him as soon as possible. Toward autumn they returned [3] with tidings which, though fully confirming Clark's suspicions that the British were instigating the Indian attacks, encouraged him in the belief that the Northwestern posts could be taken without the aid of a very large body of troops. The French inhabitants of the Illinois country, they represented as disposed to be friendly toward the American cause, very few of them having taken part in the barbarous raids, directed from Hamilton's station in Detroit. They declared that this kindly attitude had persisted, although the British had endeavored, by every kind of misrepresentation, to prejudice them against the Virginians and Kentuckians, whom

[1] Butler, p. 95.

[2] Butler, p. 46, mentions the names.

[3] Winsor's "Westward Movement," p. 117, says on June 22d, but Collins, I, p. 19, says they were still in Illinois on July 25th.

they had represented as far more cruel and barbarous than even the savages themselves.

Of such people Clark saw that it would not be difficult to make American allies, if only they could be rescued from the dominating influence of British soldiers. Keeping his intentions entirely secret, he departed for Williamsburg on October the first, and about two months later, explained his views in detail to the Governor of Virginia, Patrick Henry, who, knowing the military skill and foresight of the young frontiersman, gave him careful attention. Clark's plan had grown since his last appearance, demanding simply five hundred pounds of powder for frontier defence. Now he asked for men and money, to fit out an extensive military expedition, and proposed to perform a deed which appeared almost impossible.

"At first," says Clark, in speaking, in his memoirs, of this important conference, "he seemed to be fond of it, but to detach a party at so great distance, although the service performed might be of great utility, appeared daring and hazardous, as nothing but secrecy could give success to the enterprise. To lay the matter before the Assembly, then sitting, would be dangerous, as it would soon be known throughout the frontiers, and probably the first prisoner taken by the Indians would give the alarm, which would end in the certain destruction of the party."

Henry, however, called together Thomas Jefferson, George Wythe and George Mason, and requested Clark to explain his plans to them. These men considered the matter with minute care for several weeks, discussing it from every conceivable standpoint, and at length (on January 2, 1778), communicated a favorable decision to the Virginia Council, urging that all steps, necessary to the

execution of Clark's plans, be taken "with as little delay and as much secrecy as possible."

On the same day Clark received two sets of instructions from the Council. The first, intended as a blind for the public, reads as follows:

"Lieut. Col. Geo. Rogers Clark:

"You are to proceed without loss of time to enlist seven companies of men, officered in the usual manner, to act as militia under your orders. They are to proceed to Kentucky and there to obey such orders and directions as you shall give them, for three months after their arrival at that place; but to receive pay, etc., in case they remain on duty a longer time.

"You are empowered to raise these men in any county in the Commonwealth, and the County Lieutenants, respectively, are requested to give you all possible assistance in that business.

"Given under my hand at Williamsburg, Jan. 2, 1778.

"P. HENRY."[1]

The private instructions were contained in the following letter:

"In Council, Wmburg., Jan. 2, 1778.

"Col. Geo. Rogers Clark:

"SIR:—You are to proceed with all convenient speed to raise seven companies of soldiers to consist of fifty men each, officered in the usual manner, and armed most properly for the enterprise, and with this force attack the British post at Kaskasky.

"It is conjectured that there are many pieces of cannon, and military stores to considerable amount at that place,

[1] Pirtle's "Campaign in the Illinois," p. 95.

the taking and preservation of which would be a valuable acquisition to the State. If you are so fortunate, therefore, as to succeed in your Expedition you will take every possible measure to secure the artillery and stores and whatever may advantage the State.

"For the transportation of the troops, provisions, etc., down the Ohio you are to apply to the commanding officer at Fort Pitt, for Boats, etc. During the whole transaction you are to take especial care to keep the true destination of your Force secret. Its success depends upon this. . . .

"It is earnestly desired that you show humanity to such British subjects, and other persons, as fall in your hands. If the white Inhabitants of that post and the neighborhood will give undoubted evidence of their attachment to this State (for it is certain they live within its limits) by taking the test prescribed by Law and by every way and means in their power, let them be treated as fellow citizens, and their persons and property duly secured. Assistance and protection against all enemies whatever shall be afforded them, and the Commonwealth of Va. is pledged to accomplish it. But if the people will not accede to these reasonable demands, they must feel the miseries of war under the direction of that Humanity that has hitherto distinguished Americans, and which it is expected you will ever consider as the Rule of your conduct and from which you are in no Instance to depart.

"The corps you are to command are to receive the pay and allowance of militia, and to act under the Laws and regulations of this State, now in force, as militia. The inhabitants of the Post will be informed by you, that in case they accede to the offer of becoming citizens of this Commonwealth, a proper garrison will be maintained

among them and every attention bestowed to render their commerce beneficial, the fairest prospects being opened to the dominions of both France and Spain.

"It is in contemplation to establish a post near the mouth of the Ohio. Cannon will be wanted to fortify it. Part of those at Kaskasky will be easily brought thither or otherwise secured as circumstances will make necessary. . . .[1] Wishing you success, I am

"Sir

"Your hbl. sr^v^

"P. HENRY."[2]

The next day Clark received from the three distinguished statesmen, Wythe, Mason and Jefferson, a letter authorizing him to use, at the proper time, certain inducements as a means of quickly enlisting the necessary troops for the expedition. It reads thus:

"Williamsburg, Jan. 3, 1778.

"SIR:

"As some Indian tribes to the westward of the Mississippi have lately, without provocation, massacred many of the Inhabitants of the Frontiers of this Commonwealth in the most cruel and barbarous manner, and it is intended to revenge the Injury and punish the Aggressors by carrying the war into their own country, we congratulate you upon your appointment to conduct so important an enterprise in which we most heartily wish you success, and we have no doubt but some further reward in lands in the country will be given to volunteers who shall engage in this service, in addition to the usual pay, if they are so fortunate

[1] See "Annals of Kentucky," Collins, I, p. 18.

[2] English, "Life of George Rogers Clark," I, p. 96. Pirtle's "Campaign in the Illinois," pp. 96–97, transcribes the document.

as to succeed. We think it just and reasonable that each volunteer entering as a common soldier in this expedition should be allowed three hundred acres of land and the officers in the usual proportion, out of the lands which may be conquered in the country not in the possession of the said Indians, so as not to interfere with the claims of any friendly Indians or of any people willing to become subjects of this Commonwealth, and for this we think you may safely confide in the justice and Generosity of the Va. Assembly.

"We are Sir

"Your most Hble. Servts

"G. WYTHE.
"G. MASON.
"TH. JEFFERSON.

"To George Rogers Clark, Esq."

Armed with such complete authority, and supported by the pledge of men so influential, not only in Virginia, but throughout the entire country, Clark at once set about his plans for enlistment, and his preparations for departure, doing all as secretly as possible, according to his instructions. During the next four months his tremendous energies were fully occupied in this work, for the raising and equipping of even a small body of troops, in those anxious times, was no easy task.

During this same winter (February, 1778), Daniel Boone, accompanied by thirty men, was encamped at the Blue Licks, on the Licking River, making salt for his settlement. Having wandered some distance from camp, with the intention of securing a supply of game, he came upon a band of one hundred and two Indians bound for

an attack upon Boonesborough, and was made prisoner. "They . . . brought me on the 8th day," says Boone,[1] "to the Licks, where twenty-seven of my party were, three of them having previously returned home with the salt. I, knowing it was impossible for them to escape, capitulated with the enemy, and, at a distance, in their view, gave notice to my men of their situation, with orders not to resist, but surrender themselves captives."

Boone's object in making this surrender of his companions was to prevent the meditated attack upon the fort, which he knew to be in no very good condition for defence, for he felt certain that the Indians, upon finding themselves in possession of so many prisoners, would hasten home to receive their reward from the British, and to enjoy a season of celebration. And so indeed it happened. "The generous usage," continues Boone's Autobiography, "the Indians had promised before my capitulation, was afterward fully complied with, and we proceeded with them as prisoners to Old Chilicothe, the principal Indian Town on Little Miami where we arrived . . . on the 18th day of February. . . . On the 10th day of March following, I and ten of my men were conducted by forty Indians to Detroit, . . . and were treated by Governor Hamilton, the British Commander at that post, with great humanity."

Here Boone's companions were handed over to the British allies, in exchange for the customary reward; but no gold could tempt his savage captors to part with the hero himself, "although," says Boone, with a touch of

1 "Autobiography." Marshall, I, p. 55, gives February 7th as the date of Boone's capture, and this is confirmed by Boone's "Autobiography" (Reprinted in Hartley's "Boone," Appendix).

complacency, "the Governor offered them one hundred pounds Sterling for me, on purpose to give me a parole to go home. Several English gentlemen," he adds, with that fine independence so characteristic of the frontier, ". . . generously offered a friendly supply for my wants, which I refused, with many thanks for their kindness—adding, that I never expected it would be in my power to recompense such unmerited generosity."

The Indians, having thus disposed of their less illustrious captives, took Boone back to Old Chillicothe where, says Boone, "I was adopted, according to their custom, into a family where I became a son, and had a great share in the affection of my new parents, brothers, sisters, and friends."

This ceremony of adoption, although considered the greatest possible compliment by the Indians, was a very painful and humiliating process. The hair was pulled out until the head was entirely bald, with the exception of the "scalp lock," which was left long, and adorned with ribbons and feathers. The victim was then handed over to women who led him into the river and scrubbed him thoroughly, to "take out all his white blood." He was next conducted to the council of braves, where the chief made a formal address intended to impress upon him the greatness of the honor thus thrust upon him, and finally, painted and decorated in the most elaborate style, he was conducted with great pomp, to a feast given in honor of the new son of the tribe. [1]

Boone accepted these courtesies with apparent satisfaction, knowing that his chance of escape would be much greater if he could persuade the Indians that he was per-

[1] Hartley's "Boone," p. 131.

fectly contented to remain one of them. "I was exceedingly familiar and friendly with them," he says,[1] "always appearing as cheerful and satisfied as possible, and they put great confidence in me. . . . I was careful not to exceed many of them in shooting; for no people are more envious than they in this sport." But all the time he was dividing into halves the bullets allowed him, and using light charges of powder, preparing for the day when he should deem it advisable to make good his escape.[2] Watching for the first signs of a new expedition against the Kentucky stations, and ready instantly to carry the alarm, he bided his time, until one day, toward the middle of June, upon his return from the salt springs on the Scioto, he was alarmed to see four hundred and fifty Indians, painted and armed, ready for a march against Boonesborough. The time for escape had at last arrived, and, on the 16th of June, before sunrise, he slipped quietly away, arriving at Boonesborough on the 20th, after a journey of one hundred and sixty miles, during which he had eaten but one meal.[3]

His reception at the hands of some of his fellow pioneers was far from cordial. Stephen Hancock, one of the men whom Boone had surrendered at Blue Licks, had returned to Boonesborough and had reported "that the Indians in a great army was a coming to take boonsbourrough that Colonel Daniel Boone was at Detroyt and had agreed with the british officers that he would come with the Indians and that their fort should be given up and that the

[1] "Autobiography."

[2] Bogart's "Boone," p. 192.

[3] Filson's "Kentucke." During his absence Boone's family had returned to North Carolina, supposing him to be dead. (Collins, II, p. 59.) Robert B. McAfee's "Journal."

people should be taken to Detroyt and live under the jurisdiction of his gracious Majesty King George III."

In answer to these accusations Boone declared that, "he was a Discieving the British officers and Indians and he was now come to help his own people fight and they must make what preparation they could, but the Indians would certainly be their in a few days. . . ."[1]

On August 8, 1778,[2] the savage army approached the fort, four hundred painted warriors, and eleven Frenchmen, commanded by the Canadian Frenchman, Captain Duquesne, and the great chief, Blackfish, and proudly bearing aloft the colors of His Britannic Majesty.[3] A parley ensued, Duquesne demanding the surrender of the fort in the name of King George III, and Boone responding with a request for two days for consideration, which was promptly granted. Having made the most of this brief period of respite to strengthen the defences and bring the cattle within the walls of the fort, Boone delivered his reply, astonishingly defiant in view of the vast disparity of the contending forces.[4]

"We laugh at your formidable preparations; but thank

[1] Daniel Trabue's "Autobiography and Diary," Durrett MSS.

[2] Butler, p. 97, following Boone's "Autobiography," places this attack on August 8th, while Collins (Vol. II, p. 19) says that it began on September 7th. The "Journal of Robert McAfee," also gives August 8th.

[3] Marshall, I, p. 59. Boone, in his "Autobiography" says the British and French colors were both flying over the Indian army, certainly a strange combination in view of the recent Franco-American Alliance, news of which had reached Clark at Louisville before the middle of the previous June.

[4] With the additions of the last few months the garrison was less than fifty men (Marshall, I, p. 60), but this does not include the aid sent from Harrodsburg and Logan's Fort just before the arrival of the savage army. General Robert B. McAfee (Durrett MSS.) says there were only twenty-nine men in the station during the siege; but this is an evident error. McAfee's description of the conference and the siege is graphic and interesting, though differing considerably from those of Boone and Daniel Trabue.

you for giving us notice and time to provide for our defense. Your efforts will not prevail; for our gates shall forever deny you admittance:" in which defiance, in spite of the obtrusive formalism given it by Filson, the rhetorician, we catch the ring of real pioneer days.

Duquesne, however, hesitated to attack, unable to grasp the idea that this garrison of seventy-five men, meant to resist his savage four hundred and twelve. His hesitation Boone attributed to cowardice. "Whether this answer," he says, "affected their courage or not I can not tell; but, contrary to our expectations, they formed a scheme to deceive us, declaring it was their orders, from Governor Hamilton, to take us captives, and not to destroy us; but if nine of us would come out and treat with them, they would immediately withdraw their forces from our walls, and return home peaceably."

Although suspecting treachery, Boone agreed to treat; and Daniel Trabue, a prominent pioneer of Logan's Fort, has left us the following account of the conference, and of the siege which followed.[1]

"Previously to their going out, Col. Calloway[2] told the people in the fort they must be Redy with their guns if the Indians use any violence to fire on them and he also told them for the women to put on hats and hunting shirts and appear as men and get upon the top of the walls and their might appear as a great many men, and the women did

[1] The account given in Boone's "Autobiography" is well known: but Trabue's account has not before been published. A detailed account of the Conference is also given in a document entitled "The Indian Attack upon Boonesborough in 1778," Durrett MSS., unpublished. See also McClung's "Stories of Western Adventure," p. 56.

[2] Col. Richard Calloway had strongly opposed the Conference, but had been overruled.

so and the men in the fort did also get on the walls and cabins and showd to good advantage their was about 75 white men in the fort and about 1000 indians around the fort [1] about 30 of the Indian Chiefs came up in about fifty yards of the Fort Col. Boon with them & our officers about 15 [2] went to them and they had a long talk and the Indians made or pretended to make a firm Peace with the white people and said we must shake hands for friendship which the white people agreed to do. So they shook hands the Indians then said shake hands again and so they did now the Indians sayed two Indians must shake hands with one white man to make a Double or sure peace at this time the Indians had hold of the white men's hands and held them. Col. Calloway objected to this but the other Indians laid hold or tryed to lay hold of the other hand but Col. Calloway was the first that jerked away from them but the Indians seized the men two Indians holt of one man or it was mostly the case and did their best to hold them but while the man and Indians was a scuffling the men from the Fort agreeable to Col. Calloway's order fired on them they had a dreadful skuffel but our men all got in the fort safe and the fire continued on both sides after that Col. Calloway had made a wooden cannon and took wagon tyre and wrapt it and the Indians had agreeable assembled together at a distance Calloway loaded his cannon and put in 20 or 30 ounce balls and fired at the Indians it made a large report equal to a cannon the Indians squandered from that

[1] A not unnatural exaggeration of the numbers.

[2] General Robt. B. McAfee says that only "Boone and five or six of his men went out" (Durrett MSS.), while Boone, in his "Autobiography" (Reprint Hartley's "Boone," Appendix) gives the clear impression that nine men went to the Conference.

place much frightened and it was thought several killed or wounded this cannon was fired the second time and bursted the last time it was fired at a group of Indians at a distance and it made them skamper perdidiously whether they was hit with the bullits or whether it was the big loud Report it was uncertain but one thing is a fact they never was seen in gropes in sight after that time the Indians would sometimes hollow aloud to our men and curse them and said why dont you shoot your big gun again our men did answer them get many of you together and we will shoot it but it is not worth while to shoot at one Indian when he is running or Dodging this fort was close on the bank of the Kentucky River and it was discovered from the fort that there was an old cedar stick or pole that come up out of the Camp perpendicular and it was observed to shake; our men knew that the indians was digging a passway this was a project of a Canadian frenchman as was thought . . . Col. Calloway immediately had our men at Diging a ditch opposite the Indian ditch. Capt. Holder a large strong man took big stones and cast them from the fort over the Camp expecting they might fall on some of the Indians one of the women of the fort said Dont do so Capt. it might hurt some of the Indians and they will be mad and have revenge for the same and the Indians and our men did almost meet under the fort a Digging they could hear one another a digging and when the Indians heard that they quit supposing our people might or would put their big gun their, the Siege continued for 10 days & nights our men received but little damage from the Indians fire but it was thought there was several Indians Killed."

It was August the twentieth when Duquesne raised the

siege and departed,[1] taking his dead and wounded with him, and the men who had come in from the neighboring forts to aid in the defence, at once hastened back to their own stations, fearful lest the force of the savage army should be turned against them.

Thus ended the last serious attempt to capture the fort at Boonesborough, and to those of us who to-day read the quaint fragments of its history it is quite clear that Boone was its hero and patriot throughout.

While Boone had been playing his part in Old Chillicothe, posing as the son of a savage tribe, and watching his brother red men for the first sign of a renewed invasion of Kentucky, George Rogers Clark was preparing to march with the little army, which he had succeeded in raising for his proposed campaign, against the Northwestern posts. He had enlisted three companies, one hundred and fifty men in all, and early in May, 1778, reached the mouth of the Kanawha in the course of his journey down the Ohio. Here he was joined by additional volunteers, and a few more immigrants were added to the already considerable band who had taken advantage of the expedition to enter the wilderness under convoy. As the little flotilla proceeded slowly down the river, some of these latter were landed at various points; but when Clark reached the Falls, on May the twenty-seventh,[2] about eighty of them

[1] Marshall, I, p. 62. Robert B. McAfee (Reprint of Journal, "Smith," p. 101) adds "after the siege, the people picked up near the fort walls, one hundred and twenty-five pounds of leaden bullets which had fallen, besides those which struck in the logs and palisades."

[2] The date is not mentioned in Clark's "Memoirs," nor in his letter to George Mason, dated November 17, 1779. It is, however, accurately fixed by Col. R. T. Durrett, in his "Centenary of Louisville," p. 29, who remarks that from this day "the Falls of the Ohio was never without occupation by actual settlers." Ibid., p. 31.

still remained with the expedition, though ignorant of its purpose and destination, as indeed were most of his very officers themselves. Upon Corn Island, in the Ohio, opposite the present city of Louisville, Clark built a stout stockade, as a protection to these settlers, and a place for storing his surplus supplies, and the news of the establishment of this post being carried to the people living along the Monongahela, great numbers of them hastened to join it.

As the leader of the Kentucky militia, Clark expected that a good many men from the Kentucky stations would join him, and had included them in his call for volunteers; but the garrisons at Boonesborough, Harrodsburg and Logan's Fort had their eyes turned northward and thought very little of the unnamed expedition preparing at Corn Island. Hancock had just arrived at Boonesborough with his tale of the impending Indian invasion, and it is therefore, in no wise remarkable that "only Kenton and Haggin left the Stations to accompany him" at this call; though it is remarkable that the three captains in command of the three companies which Clark had raised beyond the mountains, all figure in Kentucky pioneer history, while the fourth company, which joined the expedition just before its departure, was composed of volunteers from Kentucky County, commanded by Captain Jos. Montgomery.[1] Of the rank and file it is more difficult to speak, but it is perhaps safe to say, with Colonel Durrett[2] that, "there were but few of Clark's volunteers when he began the Illinois campaign who were not, or did not afterwards, become citizens of Kentucky."

[1] For list of companies and captains, see Collins, I, p. 19.

[2] "Kentucky Centenary," p. 10.

When everything was thought to be ready, Clark made known to his soldiers the object of his expedition, at the same time giving orders to prepare to march against Kaskaskia on the following day.[1] Had his force been larger he would probably have advanced at once upon Vincennes, but he felt this to be injudicious on account of the fewness of his soldiers, who numbered all told less than two hundred men. "I knew that my case was desperate," he writes,[2] "but the more I reflected on my weakness the more I was pleased with the enterprise."

In the early morning of June 24th (1778), the army embarked, (ten men having been left behind as a garrison for the little fort on Corn Island,) and at nine o'clock the flotilla shot into the rapids, "at the very moment of the sun being in a great eclipse." After two days, with relays of rowers working day and night, they landed on a small island, "three leagues below the Tennessee," and made their preparations for the long overland trip which was to follow. Here they were joined by a party of six hunters, who had left Kaskaskia eight days before, and who offered their services upon learning that the expedition was marching against that station. One of these, John Sanders, Clark engaged as a guide, but refused the aid of the other five. Placing himself at the head of his little army, prepared to share all the hardships of his men, Clark now started toward the Northwest (June 26th) on an expedition which, as Bancroft declares, "for the valor of the ac-

[1] While making his preparations at Corn Island, intelligence of the recent French Alliance had reached Clark from Fort Pitt. Winsor's "Westward Movement," p. 118.

[2] Letter of Clark to George Mason giving a detailed account of the Illinois campaign. It is dated Falls of Ohio, November 19, 1779, and comprises some one hundred odd pages of manuscript. Durrett MSS.

tors, their fidelity to one another, the seeming feebleness of their means and the great results of their hardihood, remains forever memorable in the history of the World."

One hundred and twenty miles of swampy and difficult road lay between them and Kaskaskia. "On the third day," writes Clark in his memoir, "John Sanders, our principal guide, appeared confused and we soon discovered that he was totally lost, without there was some other cause of his present conduct." Clark threatened various modes of assisting his memory, but violent measures proved unnecessary, as Sanders shortly succeeded in getting his bearings and, on the evening of July the fourth, they arrived within the immediate vicinity of Kaskaskia. "I learned," continues Clark, "that they had some suspicion of being attacked and had made some preparations, keeping out spies, but they making no discoveries had got off their guard. I immediately divided my little army into two divisions, ordered one to surround the town, with the other I broke into the fort, secured the Governor, Mr. Rochblave, in fifteen minutes had every street secured, sent runners through the town ordering the people on pain of death, to keep close to their houses, which they observed, and before daylight had the whole town disarmed."

The inhabitants of Kaskaskia were terrified at finding themselves in the hands of the Americans, from whom they had been taught to expect savage and brutal usage. But Clark treated them with great kindness, "for," he says, "the towns of Cohos [Cahokia] and St. Vincents [Vincennes], and the numerous tribes of Indians attached to the French were yet to influence—for I was too weak to treat them any other way. . . . I sent for the principal

men of the town, and explained the nature of the dispute to them in as clear light as I was capable of . . . and that our principle was to make those we reduced free instead of enslaving them," which treatment soon won them over to the American cause and they declared that they would, "think themselves the happiest people in the world if they were united with the Americans."

Clark further announced that it was his intention, in a few days, to administer the oath of fidelity to the American cause, but that, "in the meantime any of them that chose was at liberty to leave the country except two or three particular persons."

He still had in mind an attack upon Vincennes as the chief stronghold of the British in this region; but, before making this attempt, he sent a part of his forces to capture the French settlements scattered through the Mississippi Valley, chief among which was Cahokia, a few miles below the present site of St. Louis. This enterprise was entrusted to Captain Joseph Bowman, and was accomplished almost without resistance.

Kaskaskia and Cahokia now became strongholds for further operations, the former being henceforth called Fort Clark and the latter Fort Bowman. Being inhabited by people of almost pure French extraction, whose hereditary dislike for the English rule had been reinforced by the news of the recent French alliance, they proved of great assistance to Clark in his operations against Vincennes.

Soon after the capture of Kaskaskia, Clark sent Simon Kenton to carry his dispatches to the Falls of the Ohio, with directions to visit on his way the British post at Vincennes, and to ascertain the exact condition of its defences.

This service was accomplished with great care, and after three days spent near the town and three nights in the village itself, Kenton sent a messenger to report to Clark that the inhabitants of Vincennes, being mostly French, were disposed to favor the cause of the Americans; which information was supplemented by the statements of Father Gibault, priest of the villages of Kaskaskia and Vincennes. Gibault, won over to the American cause by Clark's generous treatment of his prisoners at Kaskaskia, and also, perhaps, by the news that France had allied herself with this country, attached himself to Clark's cause, and voluntarily proposed "to win the allegiance of the important town of Vincennes without the use of troops." Clark gladly accepted the offer, and, on July 14th, the priest set out on his mission. He was accompanied by Doctor Jean B. Lafont, an influential gentleman of Kaskaskia, who was to act as political agent, Father Gibault preferring not "to seem to be acting in any than a spiritual capacity." Lieutenant Leonard Helm was detailed to watch over the American interests during the negotiations, and to take military command of Vincennes in case of its surrender.

The mission proved entirely successful. On arriving at the fort Clark's envoys spent a few days in making explanations to the people, who readily accepted the proposal to join the American cause. Mr. Abbott, the Governor of the post, had lately gone to Detroit, and the officers in charge hastened to leave the country. The people at once elected an officer, garrisoned the fort and, on August 1st, displayed the American flag above it, greatly to the wonder of the Indians, who were told that their old father, the King of France, had come to life again, and

was angry with them for fighting for the English, and that, if they did not wish their land to be bloody with war, they must make peace with the Americans.

As peace with the savage tribes had been the chief incentive for his expedition, Clark, being now in possession of the desired posts, turned his attention to the Indians, many of whom had sought refuge in Vincennes, upon the news of the fall of Kaskaskia. They were eager to treat for peace, and, Clark remarks with evident satisfaction, "our influence began to spread among the nations even to the border of the States." [1] After some five weeks spent in these negotiations, chiefly at Cahokia, Clark returned to Kaskaskia, leaving Bowman to act for him during his absence.[2]

Colonel Henry Hamilton was at this time acting as Lieutenant Governor at Detroit, and when Francis Maisonville bore to him the astonishing news of Clark's conquest of the Illinois Country, he at once began preparations for retaking it. In a letter to Governor Patrick Henry, dated Kaskaskia, February 3, 1779,[3] Clark thus describes Hamilton's success and his own plans:

" . . . A late Menuvr. of the famous Hair Buyer, Henry Hamilton Esqr. Lieut. Governor of Detroit, hath alarmed us much; on the 16th of December last, he with a body of 600 men, composed of regulars, French volunteers and Indians took possession of St. Vincent on the Wabash and what few men that composed [4] the Garrison not being able to make the least defence. . . .

[1] "Memoirs."

[2] Detailed descriptions of Clark's negotiations with the Indians during this period will be found in Butler, 1834 Ed., Chap. IV.

[3] Durrett MSS.

[4] A letter from Lieutenant Helm to Clark, declares that, owing to desertions

"Yesterday I fortunately got every piece of intelligence that I could wish for, by a Spanish Gent. that made his escape from Mr. Hamilton. No attack to be made on the Garrison at Kaskaskia until the Spring. . . .

"Being sensible that without reinforcements, which at present I have hardly a right to expect, I shall be obliged to give up the Country to Mr. Hamilton without a turn of fortune in my favour, I am resolved to take advantage of this present situation and risque the whole in a single battle. I shall set out in a few days, with all the force I can raise of my own troops, and a few militia that I can depend on, amounting in the whole to only 170 . . . men . . . I know the case is desperate, but Sir! we must either quit the country or attack Mr. Hamilton. . . . In case we fall . . . this country as well as Kentucky I believe is lost. . . ."

Accordingly, on February 5, 1779, the little army started from Kaskaskia, and took up that terrible march of some one hundred and seventy[1] miles toward Vincennes, Captain Rogers having been previously dispatched with forty-six men and two four-pounders in the boat, "Willing," with orders to force his way up the Wabash as far as the mouth of the White River, there to await further commands.

The march was of almost inconceivable hardship and

at the news of Hamilton's approach, only twenty-one men were left, out of a garrison recently numbering about seventy. He continued to dictate this letter until Hamilton and the invading army were within 300 yards of the fort, and then closed with an expression of doubt as to whether there are four men left who can be depended on. "The usual Story of his (Helm's) marching out with one man," says Winsor ("Westward Movement," p. 131), "may perhaps be questioned." That story is repeated in "Smith," p. 135.

[1] English's "Clark," I, pp. 288–289. Clark himself overestimated the distance, describing it as about 240 miles, and Hamilton commits a similar error.

danger, leading for miles through drowned meadows, where the water, from two to three feet deep,[1] was often filled with floating ice. But "the finest Stallion there is in the country," bore the gallant commander through, and his men followed with the dauntless courage of frontiersmen, long inured to hardships. The following entry in Major Bowman's diary, under date of February 23rd, shows the spirit of these men.

"Set off," he writes, "to cross the plain, about four miles long, all covered with water breast high. Here we expected that some of our brave men must certainly perish, having frozen in the night and so long fasting. Having no other resource but wading this plain, or rather, lake of waters, we plunged into it with courage, Colonel Clark being first. In the midst of this wading rather than marching, a little drummer boy, who floated along on his drumhead, afforded much of the merriment that helped to divert the men from their hardships."

Clark himself, in his brief but remarkable memoir, gives the incident, though with more of the dramatic setting which doubtless belonged to it.

". . . . A drummer boy," he says, "the pet of the regiment, was placed on the shoulders of a tall man and ordered to beat for his life. I halted and called to Major Bowman to fall in the rear with twenty-five men, and put to death any man who refused to march, as we wished to have none such among us. The whole gave a cry of approbation, and on we went."

Arrived, at length, within a few miles of Vincennes, Clark, conscious that an attack could not be made before an alarm would be given, decided to avail himself of the

[1] Collins, II, p. 138.

friendly feeling which he knew characterized most of the inhabitants of the town, and to play a bold game. He, therefore, dispatched a messenger with the following address:

"To the Inhabitants of Post Vincennes—

"GENTLEMEN:

"Being now within two miles of your village, with my army determined to take your fort this night, and not being willing to surprise you, I take this method to request such of you as are true citizens, and willing to enjoy the liberty I bring you, to remain still in your houses,—and those, if any there be, that are friends to the king, will instantly repair to the fort and join the hair-buyer general and fight like men. And if any such as do not go to the fort shall be discovered afterward, they may depend on severe punishment. On the contrary, those who are true friends to liberty may depend on being well treated; and I once more request them to keep out of the streets. For every one I find in arms on my arrival, I shall treat him as an enemy.

"G. R. CLARK."

Such an announcement gave the inhabitants of the town the idea that they were about to be attacked by a powerful force, and they at once concluded that the besieging army had just come from Kentucky, as it was considered impossible that an attack could be made from Illinois, on account of the quantity of water which covered the country in that direction. So great was their terror that even the British partisans among them dared not announce Clark's approach to the garrison at the fort, and Hamilton, taken completely by surprise, promptly surrendered.

"Towards the close of the day (Feb. 24, 1779), the

following articles of capitulation were proposed and accepted:

"I Lieutenant-Gov. Hamilton engages to deliver up to Colonel Clark, Fort Sackville, as it is at present, with all stores, etc.

II The garrison are to deliver themselves as prisoners of war, and march out with their arms and accoutrements, etc.

III The garrison to be delivered up to-morrow, at 10 o'clock.

IV Three days time to be allowed the garrison to settle their accounts with the inhabitants and traders of this place.

V The officers of the garrison to be allowed their necessary baggage, etc.

"Signed at post St. Vincent (Vincennes) Feb. 24 (1779).

"Agreed for the following reasons: The remoteness from succor; the state and quantity of provisions, etc.; unanimity of officers and men in its expediency; the honorable terms allowed; and lastly, the confidence in a generous enemy.

"[Signed] HENRY HAMILTON.
"Lieutenant Governor and Superintendent."[1]

About 10 o'clock in the morning of the following day the surrender was made, the arms of the enemy were se-

[1] Reprint, English's, "Life of George Rogers Clark," I, pp. 341 et seq. Clark to George Mason, November 19, 1779. Durrett MSS. This letter mentions the five articles, but does not give the reasons. In March, Hamilton, with such prisoners as had not been paroled, was sent under guard to Virginia. Hamilton remained in confinement at Williamsburg until October, 1780, when he was sent on parole to New York. On July 6, 1781, he made a report to Haldimand, which is the chief British source for the history of these campaigns. Winsor's "Westward Movement," p. 135.

cured, the American flag was raised over the captured fort, and its name was changed to Fort Patrick Henry, in honor of the Governor of Virginia.

Two days later the "Willing" arrived with her reinforcement of forty-seven men, having been delayed by the fierce current of the Wabash. There came with her a messenger from Virginia, sent to bear to Clark the congratulations of the Assembly. He bore also two new commissions, one promoting Clark from Lieutenant Colonel to Colonel, and the other advancing Captain Joseph Bowman to the rank of Major.[1]

Thus ended in complete triumph one of the most masterly campaigns ever executed in the country. The forces engaged, it is true, were very few, but, judged by its results, it was of vast historical significance. It secured for the United States all that magnificent Northwest territory from which have been formed the present States of Ohio, Indiana, Illinois, Michigan and Wisconsin.[2] It completely defeated the policy embodied in the famous Quebec Act of 1774, by which England had sought to preëmpt this vast domain by attaching it to the Province of Quebec, and it rendered it comparatively easy for the American Commissioners, in the negotiation of the Peace of 1783, to include within the American Union, this region which, without Clark's conquest, would inevitably have remained a possession of England.

These great results, however, as yet lay hidden among the unguessed mysteries of the future. What Clark saw, as he left Post Vincennes in charge of Captain Helm, and

[1] English, "Life of George Rogers Clark," I, p. 350.

[2] Also that part of Minnesota on the eastern side of the Mississippi River. Durrett's "Kentucky Centenary," p. 10.

boarded the "Willing" bound for Kaskaskia, was that there still remained two British stations, Detroit and Sandusky, the conquest of which was an essential part of his plan for securing Kentucky from Indian invasions. It was from these points, as he quite well understood, and not from Kaskaskia and Vincennes, that the Shawnees and their confederates, the most persistent of the savage enemies of Kentucky, drew the support and inspiration for their border warfare; and he felt that, unless he could complete his program and add these two stations to the conquest already achieved, he could not rest satisfied.

As to Detroit, he chafed under the necessity of allowing it to escape him, now that Hamilton was a prisoner, and the post guarded by only about eighty regular troops. "Had I been able to raise only five hundred men when I first arrived in the country," he writes, "or when I was at St. Vincent's could I have secured my prisoners, and only have had three hundred good men, I should have attempted it." [1] But as these things were manifestly impossible of accomplishment, with the force at his disposal, he was obliged to abandon the idea—temporarily, as he hoped.

He was shortly relieved of the civil government of the conquered region by the arrival of Captain John Todd, whom Governor Henry had appointed to govern the new country, and, having sent duplicate dispatches to Henry and Jefferson (April 29, 1779),[2] describing his campaign, he set about arranging for his return to the Falls of the Ohio.

[1] See Butler, p. 87.

[2] Winsor's "Westward Movement," p. 136.

Upon arriving in Kentucky, Clark found that great changes had taken place during his brief year of absence. New stations had sprung up, and immigration, which for some time had been at a standstill, had begun anew, as the news of his victories in the Illinois country gave fresh confidence to men inclined to seek homes in the great West. During the year 1778 only two new settlements, in addition to Clark's little garrison on Corn Island, had appeared in Kentucky, but the renewed immigration of 1779 caused the establishment of no less than fourteen, most of which had been started before Clark reached the Falls in the autumn.

At the Falls itself, Clark found that an equally astonishing progress had been made, of most of which he was entitled to consider himself the author. He had established the germs of a settlement on Corn Island the previous year, and a few months later, just after the capture of Kaskaskia, had sent Captain William Linn to conduct home his three months' volunteers, whose terms of enlistment had expired,[1] directing him also to erect a permanent fort on the Kentucky mainland, above the Falls, and to remove to it the families of Corn Island, which latter post was to be abandoned.[2] A good many, perhaps a majority of the discharged troops, had gone no farther than the Falls, and Linn, in obedience to Clark's orders, had arranged for a station on the mainland. He had entrusted the task of constructing the new fortifications to Richard Chenowith who, by Christmas Day, 1778,

[1] Linn was also entrusted with the duty of taking Rochblave, late commander of Kaskaskia, to Williamsburg where he was to be delivered over to the Virginia authorities. Winsor's "Westward Movement," p. 120; Collins, I, p. 19; Butler, p. 64.

[2] Smith, p. 120; Butler, p. 63.

had carried the work so far that a number of the families from Corn Island had celebrated the Christmas season in their new cabins, which stood at the foot of what is now Twelfth Street, Louisville.[1] Then, too, during the early part of the year 1779, most of the settlers entering the Kentucky region had chosen the route down the Ohio, and many of them had found their way to this new establishment, which rejoiced in the reputation of being the headquarters of the conqueror of the Illinois. Toward the middle of April, these latter had joined the older settlers from Corn Island in a meeting, and seven trustees had been selected, to arrange for the regular government of the town, which received the name of "Louisville," in honor of our nation's only ally, King Louis XVI of France.

But to return to Indian affairs. Clark soon had enough evidence, if indeed evidence were needed, to confirm him in the conviction that Indian wars would continue until Detroit and Sandusky were captured, and the mischievous British garrisons wholly expelled from the Northwest posts. Bands of savage marauders ceaselessly traversed the forests of Kentucky County, and infested the two great highways, the Ohio River and the old Wilderness Road, causing adventures of thrilling interest, when told by the light of a camp fire within a stout palisade, but which, for the leader of the Kentucky militia, meant new campaigns and untold hardships. He learned the terrible details of the captivity of his gallant messenger, Simon Kenton, [2] and the story of the retreat of Colonel John Bow-

[1] In the Southern Bivouac of January, 1884, Col. R. T. Durrett gives an interesting description of this first Christmas at the Falls.

[2] The whole ghastly story is told in Marshall, I, pp. 74–77. It is also repro-

man, who, during the previous July, had led a gallant expedition against Old Chillicothe, and had there met a total defeat, owing to his failure to give the signal of attack, previously agreed upon with the other commander, Captain Benjamin Logan.[1]

By this time, too, Kentucky was feeling the terrors of the famous hard winter of 1779, during which the rivers were completely blocked with ice for three months, and supplies became so scarce that the price of corn ranged from fifty,[2] to one hundred and seventy-five dollars a bushel, in the depreciated Continental Currency. "The hard winter," says Trabue,[3] "began about the first of November, 1779, and broke up the last of February, 1780, the turkeys was almost all dead the buffaloes had got poor, peoples cattle mostly dead no corn or but very little in the country the people was in great distress many in the wilderness frost bit some dead, some eat of the dead cattle and horses. when the winter broak the men would go and Kill the buffloes and bring them home to eat but they was so poore a number of people would be taken sick and did actually die for the want of solid food."

And yet in spite of these combined miseries, the Land Commission continued to adjudicate claims, and intending settlers to purchase land titles in Kentucky. The

duced in detail in Smith, pp. 128–133. Kenton had escaped and returned to Kentucky only a few months before Clark's return. See Boone's "Autobiography."

[1] Bowman lost eight or nine men, but succeeded in killing two famous Indian chiefs, Blackfish and Red Hawk. For details see Marshall, I, pp. 91–95, and Butler, pp. 108–110. Both these authorities give July as the month of the expedition, but Collins, I, p. 19, puts it among the events of May, 1779.

[2] Butler, p. 99, note.

[3] Daniel Trabue's "Autobiography and Diary," Durrett MSS.

immigration of 1780 was far greater than it had ever been before. Three hundred large family boats arrived at Louisville during the first months of spring, with three thousand souls aboard; and before the season was over, six stations, containing in all some six hundred settlers, adorned the rich banks of the Beargrass; while progress was almost equally rapid in many other parts of the country.[1]

As the tide of immigration increased, the Virginia land surveyors, to aid its flow, laid out a new road over the Cumberland mountains, leading toward "the open country of Kentucky," so as "to give passage to pack-horses,"[2] and over it, through the Wilderness Road, or down the Ohio River, population was soon pouring at a rate estimated at from eight to ten thousand a year. And still the mad rush for land went on. Occasionally an Indian attack, or the vague rumor of a coming invasion, would cause a momentary lull; a scouting party would be organized and dispatched, and the heart of the wilderness would again palpitate with the Anglo-Saxon passion, the pursuit of land.

Meanwhile Clark was devoting his energies to a plan, conceived as early as 1778 by Patrick Henry, and designed to strengthen the claim of the United States to a western boundary at the Mississippi, south of the Ohio.[3] Henry, at that time Governor of Virginia, had felt that a strong fort near the mouth of the Ohio would probably accomplish this result, if held by American troops when the peace negotiations with England should take place, but he had

[1] Floyd's "Correspondence," quoted by Butler, p. 99, note.
[2] Winsor's "Westward Movement," p. 136.
[3] Pitkin's "United States," II, p. 95.

not found a time when the Virginia treasury could afford to undertake it. In April, 1780, however, Thomas Jefferson, who had succeeded to the office of Governor of Virginia, announced to Clark his determination to establish such a fort, and ordered him forthwith to begin its construction. The project was extremely unpopular in Kentucky, where it was felt that the defence of such a post would uselessly weaken the Kentucky settlements; but Clark favored it, and declared that, if necessary, he would withdraw some of the troops from the Illinois posts in order to garrison it properly.[1]

As Clark designed to make this new station not only a military post but an important settlement as well, he selected, as its site, a point at the junction of the Ohio and the Mississippi, conveniently situated to command the trade of an extensive country on both sides of those rivers, and there, with a force of two hundred men, he erected several stout blockhouses and a fort, to which he gave the name Fort Jefferson. While engaged in the construction of this fort,[2] Clark kept a close watch upon the Northwest, feeling certain that a British-Indian expedition against the Kentucky posts would soon be set on foot by the authorities at Detroit; and, toward the end of May, 1780, he saw that the attack was imminent. He, therefore, cut short his stay at Fort Jefferson, and, with two companions, all completely disguised as Indians, made

[1] Todd to Jefferson. Reprint, English's "Life of George Rogers Clark," II, p. 671.

[2] In 1781, Fort Jefferson endured a prolonged siege from the Chickasaws and Choctaws, led by a renegade Scotchman named Colbert. The siege was raised by Clark himself, who appeared at the critical moment with reinforcements and provisions. The abandonment of the station shortly followed.

his way on foot to Harrodsburg, [1] for the purpose of organizing the county for defence. He even hoped to take the initiative, in case the invasion were delayed, and, by a timely expedition into the enemies' country, to prevent any attack for the present. At Harrodsburg, finding the land office the center of activity, he ordered it closed, and proceeded to enlist troops from among its eager patrons.

While Clark was thus occupied, the dreaded invasion came, sudden and resistless. On June 22, 1780, Colonel Byrd, an officer in the service of His Britannic Majesty, at the head of some six hundred [2] painted demons of the forest, appeared before Ruddle's Station and, by a display of cannon, forced a surrender at discretion.

A similar exploit was next performed at Martin's Station, a few miles away, and it began to look as if the day for the savage reconquest of Kentucky had come.[3] In truth, the invading army was so overwhelmingly powerful, that, had it been held together and intelligently handled, it might easily have swept the country; but it was, after all, an Indian army, and it acted with the caution, characteristic of the savage. Having so easily secured numerous prisoners and a goodly pile of plunder, it declined farther to tempt fate, and hastily retired to camps beyond the Ohio.[4]

[1] Butler, pp. 115–117, gives some interesting details of this journey.

[2] Marshall, I, p. 107, says six hundred, doubtless following Boone's "Autobiography" which gives the same figures. Collins, I, p. 20, also gives six hundred: but, in Vol. II, p. 328, raises the number to one thousand.

[3] It is said (Butler, p. 110, note) that this expedition had been planned to coöperate with a similar expedition which Governor Hamilton had projected, but which had been effectually prevented by the achievement of George Rogers Clark at Vincennes.

[4] Collins, II, pp. 328–329, gives another explanation of the retreat. The Indians, he says, were eager to march at once against Bryan's Station, and Lexington, but Colonel Byrd refused. In the "Outline History," Collins, I, p.

Clark promptly called for volunteers for a counter invasion, and, with the little army already enlisted, soon found himself in command of one thousand men, ready to march to the heart of the Indian country. With this force he advanced against Chillicothe, and captured it without difficulty, the Indians abandoning the town before him, and fleeing for their lives. After burning houses and destroying crops, Clark pushed on to Piqua, a well built and strongly fortified town, garrisoned by several hundred Indians, under the famous renegade, Simon Girty. Here a determined resistance was offered, but Clark placed his little cannon in a position to be most effective, and soon forced the savages to abandon the town. The buildings and crops were destroyed and Colonel Benjamin Logan was sent ahead with a detachment to a village some twenty miles distant, to demolish the store from which the Indians had been chiefly supplied with arms and ammunition. This having been accomplished without resistance, the army returned to Kentucky, having spent only four weeks in an expedition which left the savages almost destitute on the verge of a hard winter, and so subdued, that no great body of Indians entered Kentucky for almost two years, although the fact that small bands continued to burn and kill, is attested by the following letter, from Colonel John Floyd to Jefferson, dated April, 1781.[1]

"We are all obliged," he writes, "to live in forts in this country and notwithstanding all the caution that we use, forty-seven inhabitants have been killed and taken prisoner

254, McClung calls the British commander Colonel Bird and declares that "the impatience of the Indians" compelled him to retire.

[1] "Virginia State Papers," II, p. 48. Quoted English's "Life of George Rogers Clark," II, p. 748.

by the savages, besides a number wounded since January last. . . .

"Whole families are destroyed without regard to age or sex. Infants are torn from their mothers' arms, and their brains dashed out against trees, as they are necessarily moving from one fort to another for safety or convenience. Not a week passes and some weeks scarcely a day without some of our distressed inhabitants feeling the fatal effects of the infernal rage and fury of these execrable hell-hounds."

Meanwhile the Shawnee chiefs had spent some months in arranging a grand union of the Northern and Western tribes. They had seen, from the events of the last year, that, if the Kentuckians were ever to be expelled from their land, it must be by a union of the Indians, and must be done very soon. Accordingly, runners had been sent out in every direction, to secure the aid of the chiefs of the different tribes; while small scouting parties had gone into Kentucky to engage the attention of the white men, and thus prevent the discovery of their plans. A confederation of the Cherokees, Wyandots, Tawas, Pottawotomies, Delawares, Shawnees, and other tribes dwelling near the Mississippi, or the lakes, had been formed, and it had been agreed that the warriors of this formidable confederation should meet at Old Chillicothe, the following summer, (1782) and march in force through Kentucky, burning and plundering without mercy. The British authorities had also promised their aid for the invasion, confident that at last they were to be avenged for the disgrace of Vincennes.[1]

In the midst of these preparations came the welcome

[1] Marshall, I, pp. 118, 131.

news, that, on October 19th, 1781, Cornwallis had been forced to surrender; and the pioneers rejoiced in the thought that the long war was at an end, and indulged in the vain hope that no savage invasions would disturb them during the coming spring. They were soon undeceived, however, for when the spring of 1782 opened, the Indians began to put into execution their matured plans. Their attacks were even more terrific than usual, representing as they did the final efforts of an almost despairing race. Massacres followed one another in terrible succession—almost every section of the three counties adding its quota to the lists of slain. Then suddenly, about the beginning of August, the attacks abruptly ceased, and scarcely an Indian was to be seen within the whole territory of Kentucky. Fortunately the settlers were not deceived by this sudden quiet. They knew that it meant the approach of larger bands of the enemy, and it was a matter of grave uncertainty as to which post would be first attacked. Each station prepared for resistance as though it had been singled out for the first victim, and the settlers, deserting their isolated dwellings, pressed into the fortified towns.

Meanwhile the whole Indian Confederation, with the British detachment, had assembled at Chillicothe, under command of Captain William Caldwell.[1] Here Simon Girty, in order to stir up their fiendish passions to the utmost, delivered an eloquent address[2] to the savages,

[1] Kentucky historians have generally represented Simon Girty as commander-in-chief both in the siege of Bryant's Station, and at the battle of Blue Licks which immediately followed; but later information shows this to be a mistake. Durrett's "Bryant's Station," p. 31.

[2] Marshall, I, p. 132, summarizes the speech, and Bradford, in his "Notes on Kentucky," gives it in the first person, indicating the plaudits of the hearers.

reciting in vivid phrases their wrongs and injuries, reminding them of the attacks which had lately been made upon their villages, and of the destruction of their houses and crops. He bade them recall the former beauty of their old hunting ground, now almost destroyed by the white men, and exhorted them to use this last opportunity of freeing it from the intruders.

After this and similar speeches, the army of four hundred crossed the river and stealthily moved toward Bryant's Station upon the Elkhorn.[1] So quiet was their approach that not a man at the station suspected their presence until next morning at daybreak, August 15, 1782,[2] when the little garrison of forty-four men,[3] preparing to march out of the fort on their way to assist the garrison at Hoy's Station, heard firing near by. "All ran hastily to the picketing," says McClung, "and beheld a small party of Indians exposed to open view, firing, yelling and making the most furious gestures. The appearance was so singular and so different from their usual manner of fighting, that some of the more wary and experienced of the garrison instantly pronounced it, "a decoy."[4] It was, therefore, decided to send a few men to return the fire, and thus induce the main body of the enemy, who, as it was rightly supposed, had concealed themselves on the side opposite to the decoy party, to attack the fort.

Accordingly, thirteen men were sent out against the

[1] Collins, I, p. 20; Butler, p. 124. Colonel Durrett, in his "Bryant's Station," pp. 33–34, examines critically the question of the number of Indians and decides in favor of "about 400."

[2] For critical proof of this date (i. e., August 15th, 1782) see Durrett's "Bryant's Station," p. 34.

[3] Bradford's "Notes on Kentucky." Durrett MSS.

[4] McClung's "Stories of Western Adventure;" Hartley's "Boone," p. 179.

decoy party, with orders to make as much noise as possible, that they might convince the main body of the enemy that all the garrison was engaged at that side. The plan was successful. As soon as the rapid firing commenced on the far side of the fort, Caldwell and his warriors rushed fiercely upon the western gate, but the garrison stood coolly at their posts, and poured out such a deadly fire that the besiegers wavered, and then fled into the woods in every direction.

The Indians now began the siege in the regular way; but, having no cannon, they could accomplish little against the able defence of the fort. Almost every mode of attack was tried and abandoned during the day; and, as night approached, they began to grow restless, knowing that reinforcements might arrive at any moment. In order to hasten the surrender, Girty approached the fort, and declared that resistance was useless, as, with the arrival of the cannon which he expected shortly, he could easily force an entrance. He promised his protection if the garrison would surrender at once: but declared that he would not be responsible for the result, if they compelled him to let his warriors take the fort by storm.

A young man named Reynolds came forward and replied for the garrison. He declared that they had no intention of surrendering, and that "they also expected reinforcements; that the whole country was marching to their assistance; that if Girty and his gang of murderers remained twenty-four hours longer before the fort, their scalps would be found drying in the sun upon the roofs of their cabins." [1]

Girty at once retired, and in the morning the Indian

[1] McClung, quoted by Hartley's "Boone," p. 187.

camp was entirely deserted. In a siege of several days they had killed but four men, while they had lost seven or eight times that number. For this reason they had decided to change their position, in the hope of gaining some advantage, conscious of the fact that no Kentucky station had as yet been taken without the aid of cannon. They followed an old buffalo path which led to the lower Blue Licks, and were evidently desirous of being pursued, as they left a plain trail behind them, marking the trees with their tomahawks, as they went along.

Meanwhile the news, that Bryant's Station was besieged by a powerful force, had attracted reinforcements from all sides, and, before the next night, one hundred and eighty-one horsemen were assembled, under the command of the most prominent leaders in the district.[1] A council was held, and it was decided to start immediately in pursuit of the Indians, without waiting for the arrival of Colonel Logan who was known to be approaching with a force of three hundred men.

All along the path which the enemy had taken, were ostentatious signs of a disorderly retreat, which Boone and some of the more experienced of his companions pronounced "danger signs," the evident intention of the Indians being to deceive their pursuers as to their strength, and thus lead them to make a hasty and unguarded attack. As they came within sight of the Licking River, and of a few leisurely retreating Indians, there was a wild desire on the part of some of the men to attack at once. In vain Boone cautioned them against such a course, de-

[1] Boone's letter to Governor Harrison, August 30, 1782. Reprint, Hartley's "Boone," pp. 200–203, also Marshall, I, p. 136, and Butler, p. 125. In this letter Boone declared that almost one-third of the whole force thus assembled, was composed of commissioned officers. Hartley's "Boone," p. 190.

claring that the enemy were undoubtedly very strong and thoroughly prepared for battle. He urged that, if they were determined upon an attack before Logan's forces should join them, it should at least be made with due caution to avoid an ambuscade.

At this point Major McGary dashed into the river calling out, "Those who are not cowards, follow me; I will show them where the Indians are," and, at the challenge, the whole party dashed after him and attacked the Indians with great spirit, but with no order or system.

The savages retreated until they reached a spot where the ridge which they had followed was cut by two ravines, one on each side of the path, the very point against which Boone had warned his comrades. In these ravines were concealed the entire savage army, who, finding that their enemy were at last in their power, opened a fire which thinned the ranks of the white men, and caused a mad panic. Before the terrified Kentuckians could draw back, the Indians had extended their lines so as completely to surround them, and the retreat became a race for life.

Boone, after seeing his son slain before his face, attempted to gain the ford, but the way was blocked by several hundred of the enemy. Returning, therefore, to the ravine which the Indians had left, he followed it to the river, which he crossed just below the ford, in company with a few companions, and, by a circuitous path, soon reached Bryant's Station.

The ford was the scene of a fierce struggle, and few, except the horsemen, would have escaped but for the heroic manner in which Netherland, who had previously been looked upon as a coward, rallied a small band of his comrades who had already crossed, and checked the enemy

for a few moments, thus giving his friends an opportunity to get over. Although the Indians soon effected a crossing, and continued the pursuit for twenty miles, it was with little success, as the routed army had taken to the woods, each man following the pathway of his own choosing.

As the fugitives straggled into camp they met Colonel Logan, advancing with his detachment of three hundred men, which, but for the foolish daring of Major McGary, might have made the battle of Blue Licks a victory, instead of the most disastrous defeat of pioneer times.

As the news of this catastrophe spread through Kentucky, there arose a feeling of general discouragement. So many disasters, in such rapid succession, could but cast a gloom over the country; and men began to feel that, unless relief should speedily be secured, they must give up all hope of maintaining their settlements. Boone, in his letter to Governor Harrison, voiced this sentiment in the following words: "I have encouraged the people in this country all that I could; but I can no longer justify them or myself to risk our lives here under such extraordinary hazards. The inhabitants . . . are very much alarmed at the thoughts of the Indians bringing another campaign into our country this fall. If this should be the case, it will break up these settlements." [1]

But even before Boone's complaint had been dispatched, Clark had sent forth his call for renewed battle, and terror and despair were forgotten, as pioneers from every point in the three counties flocked to his banner, thirsting for the vengeance which the leader had so often shown himself able to procure for them; and when the

[1] Boone to Benjamin Harrison, August 30, 1782. Durrett MSS.

final muster roll was called at the mouth of the Licking, over one thousand soldiers answered to their names. Early in November, 1782, [1] they moved forward, crossed the Ohio, and "surprised the principal Shawnee town on the evening of the 10th, immediately detaching strong parties to different quarters. In a few hours two-thirds of the town was laid in ashes, and everything they were possessed of, destroyed, except such articles as might be useful to the troops. The enemy had no time to secrete any part of their property which was in the town.

"The British trading post at the head of the Miami, the carrying place to the waters of the lake, shared the same fate, at the hands of a party of one hundred and fifty horse, commanded by Colonel Benjamin Logan. The property destroyed was of great amount, and the quantity of provisions burned surpassed all idea we had of the Indian stores.

"The loss of the enemy was ten scalps, seven prisoners, two whites retaken. Ours was one killed and one wounded. After lying part of four days in their towns and finding all attempts to bring the enemy to a general action fruitless, we retired, as the season was far advanced and the winter threatening."

Such is the simple narrative in which Clark reported to Governor Harrison of Virginia, the result of this expedition which "ended forever all formidable Indian invasions of Kentucky."

The remainder of the year was quiet, as the Indians removed even their scouts and plundering parties from

[1] Marshall, I, p. 147, gives September and is followed by Butler, p. 131. Collins, I, p. 20, puts the expedition in November, 1782. The present account is based chiefly upon Clark's letter to Governor Benjamin Harrison, dated November 27, 1782, and reprinted in English's "Clark," II, p. 760.

Kentucky, and, a few months later (spring of 1783), travelers brought the joyful news that a provisional treaty of peace had been signed between America and England on November 30, 1782. It was not, indeed, until April 11th of the following year that a proclamation was issued by the authority of Congress, declaring a cessation of hostilities between the two countries, and not until September 3d, 1783, that the formal and definitive treaty was signed at Paris: but the British had lost hope of conquering the rebels long before; and Independence had been felt to be an assured fact as soon as the news of Cornwallis' surrender at Yorktown (October 19, 1781) was received.

Even the treaty of peace, however, did not mean peace for Kentucky. The British held a number of the Northwest posts long after the Treaty of Paris was signed, and continued to rouse the Indians to attacks upon the American frontier: but the great war period of Kentucky history had closed with Clark's last expedition into the Indian country, and the future struggles take the form largely of personal adventures, and in no instance again assume the dignity of real warfare. The Indian power in Kentucky had been subdued, by the manly courage of the settlers, under the leadership of Clark and Boone, and in the process of vanquishing the enemy, the people had, all unconsciously, produced a State.

CHAPTER IV

KENTUCKY ENTERS THE UNION

When the news of the Peace of Paris reached Kentucky, some six months after it was signed, it was generally supposed that Indian hostilities would cease; but the failure, on the part of each country, faithfully to observe its pledges caused an increase in the attacks upon the frontier. The savages, as allies of the British, had of course no justification for continuing hostilities; but they had never had any adequate conception of the nature and consequences of the contest, and, not having themselves been conquered in most sections of the country, they could not understand how they could have been conquered "abroad by proxy."[1] The British officers and soldiers garrisoned in the Northwest posts, which, upon various pretexts, were not surrendered according to the terms of the treaty of peace, encouraged rather than discountenanced this attitude, and Congress, in this as in most other matters, was impotent.

France and Spain, also, secretly rejoiced at these devastations, their aid having been given to the Americans, during the war, solely from a desire to injure England. While the negotiations of the peace were in progress, they had secretly combined to limit the boundary of the United States by the Alleghanies, or at most by the Ohio: and, but for the fact that John Jay had discovered their de-

[1] Littell's "Political Transactions in and Concerning Kentucky," pp. 9, 10.

signs,[1] they might easily have succeeded, as Congress, in a moment of blind gratitude for the aid and countenance which France had given her, had instructed her commissioners to "undertake nothing in the negotiations for peace or truce without their knowledge and concurrence," (referring to the French Court), and "ultimately to govern yourselves by their advice and opinion." Once discovered, the scheme had been easily defeated by our commissioners, and the final result was an unconditional acknowledgment of the independence of the United States, and the settlement of a boundary as ample as the needs of the States required.

But this outcome did not tend to produce, in the minds of the disappointed French and Spanish allies, a love for the new Republic, and, for years to come, secret agents, of the one or the other nation, were almost constantly employed with schemes for detaching the West, and particularly the rich Kentucky district, from her control.

Early in 1784 there appeared in Lexington, as the chief agent of a great trading company just organized in Philadelphia, General James Wilkinson, whose life from this time is closely connected with the history of Kentucky's struggle for separation from Virginia. Though he came as an agent, he came as a citizen also, and, from the first, identified himself with the district. For a man of his ability and eminence to settle in this new country, was in itself flattering, for he had been a distinguished leader in the Revolution, and had been made Brigadier General on account of valuable service at Saratoga. Besides this fact, which alone would have sufficed to make him a marked man among the simple hunters of Kentucky, he

[1] Fiske's "Critical Period," p. 22.

was an eloquent speaker, a clear thinker, and a man of more than ordinary attainments, even for the older States. Mr. Marshall thus describes him:[1]—"A person not quite tall enough to be perfectly elegant, compensated by its symmetry and appearance of health and strength. A countenance open, mild, capacious, and beaming with intelligence; a gait firm, manly, and facile; manners bland, accommodating, and popular; an address easy, polite and gracious, invited approach, gave access, assured attention, cordiality and ease."

As to what his character was, there is great uncertainty. Some of his biographers depict him as an arch traitor, while others declare him to have been a man of the highest honor and patriotism. But, whatever his motives, it is certain that no man was more thoroughly identified with Kentucky's struggle for independence.

As the District of Kentucky grew more populous, it was natural that a desire should spring up, on the part of her leading men, for a government where their counsels might have more force, and where the needs of the District might be better realized than they could be, while the laws were passed at Richmond, which, under the conditions of travel then prevailing, was a very long distance away.[2] All that was needed, therefore, was a pretext for asking the Assembly of Virginia to grant them independence, and this pretext soon presented itself, in the form of a military necessity.

In 1784, Colonel Benjamin Logan discovered that the Cherokee tribes were planning a great invasion against

[1] Marshall, 1824 Ed., I, p. 165.

[2] See "The Wilderness Road," in Filson Club Publications, by Captain Thomas Speed.

the southern frontier of Kentucky, and that a similar move was being arranged against her northern settlements. He accordingly called a general meeting at Danville, and laid before it the information which he had received, asking for a discussion and action upon the question of how the attacks could be most successfully combated. The opinion was general that the best way to meet the threatened danger was to prepare a military expedition and attack the Indians, before they could complete their plans of invasion. But, upon further investigation, it was found that, as there was no declared state of war, "No man or set of men in the District was invested with authority to call the militia into service" for offensive measures.[1] This discovery put an end to the proposed expedition, which in this particular instance was fortunate, as the expected invasions did not occur. It proved to the people, however, how helpless was their position in case of pressing need; while discussion and investigation showed that the District was in every way, save in law, competent to conduct her own military operations. They therefore decided to request the Assembly of Virginia to pass an act, enabling the District of Kentucky to organize as a State, and to enter the Union, if accepted by the Confederation.[2]

In the actions of this first convention, as in all that follow, we see a profound respect and reverence for law. Realizing that they had no authority to make such a re-

[1] Littell's "Political Transactions in and Concerning Kentucky," p. 15.

[2] This was no new idea even then. On May 15th, 1780, a memorial, signed by 672 inhabitants of the "Counties of Kaintuckey and Illinois," had been sent to Congress, begging "that the Continental Congress will take Proper Methods to form us into a Separate State." The manuscript is No. 48, of the series of papers of the old Congress preserved in the State Department at Washington. Quoted, Brown's "Political Beginnings of Kentucky," p. 59.

quest, they published a recommendation that, on a certain day, each military company in the District should elect one representative, and that these representatives should meet at Danville, on December 27, 1784, to "devise if possible some means of preserving their country from that immediate destruction which seemed then impending."[1]

The suggestion was well received, and on the proposed day, the representatives met at Danville, formed themselves into a deliberative assembly and proceeded at once to business.[2] There were a number of spectators present, who listened with interest to the prolonged debate upon the advisability of a separation from Virginia, and, although there was considerable difference of opinion upon that question, there was a unanimous desire manifested that, whatever was done should be done in strict accordance with the laws of the parent State. A large majority favored the plan of petitioning the Assembly of Virginia, and, through it, Congress, for the passage of an act by which Kentucky might become an independent member of the Confederacy. They felt, however, that, as this had not been clearly and specifically proposed in the recommendation which had caused their election, they had not the authority to take so decided a step. They therefore contented themselves with passing a resolution earnestly recommending that the people of Kentucky, at the next regular election of delegates to the Virginia Legislature, should choose representatives, who should meet in the following May, with full power to petition the Assembly

[1] Littell's "Political Transactions," p. 16. See also "Appendix," p. 1, for date, etc.

[2] The earliest known copy of the Minutes are given in "Lettres d'un Cultivateur Américain—De Crève Cœur à Paris—1787," Tome, III, pp. 438–440.

of Virginia for an act of separation,[1] and, through it, to petition Congress for admission into the Confederation.

Accordingly, on the 23rd of May, 1785, the "Second Assembly of Kentucky" met at Danville and drew up the following five resolutions:[2]

"1. Resolved (unanimously), as the opinion of this convention, That a petition be presented to the Assembly, praying that this District may be established into a State, separate from Virginia.

"2. Resolved (unanimously), as the opinion of this convention, That this District, when established into a State, ought to be taken into the Union with the United States of America; and enjoy equal privileges in common with the said States.

"3. Resolved, That this Convention recommend it to their constituents, to elect deputies in their respective counties, to meet at Danville on the second Monday of August next, to serve in convention, and to continue by adjournment till the first day of April next, to take further under their consideration the state of the District.

"4. Resolved (unanimously): That the election of the deputies for the proposed convention, ought to be on the principle of 'equal representation.'

"5. Resolved: That the petition to the Assembly for establishing this District into a State, and the several resolves of the former and present Conventions, upon which the petition is founded, together with all other matters relative to the interest of the District, that have been

[1] The Constitution of Virginia had made provision for the erection of one or more governments in the Western territory when occasion might require. Littell's "Political Transactions," p. 15.

[2] Marshall, 1824 Ed., I, p. 196.

under their consideration, be referred to the future convention, that such further measures may be taken thereon as they shall judge proper." [1]

The "Second Assembly of Kentucky" thus signally failed to accomplish the object of its meeting, in that it refused to take the final step, and make application for the desired separation, although it had been elected for that specific purpose, and a feeling of uneasiness and impatience began to manifest itself in the community, due not only to the failure of the convention to do its duty, but also to the unfortunate impression which the Confederation was making upon the people of the District. They were coming to realize, more fully each day, the utter imbecility of the central government, which either could not, or would not, protect them from the dangers incident upon the British possession of the posts in the Northwest; and vague rumors were being circulated, to the effect that Congress was on the point of abandoning all claim to the navigation of the Mississippi, for twenty-five years; [2] which act they knew would destroy for them all chance of commercial prosperity. They realized that they could not trade, with either safety or profit, if they had to carry their goods overland to and from the eastern States, as the country lying between was wild and mountainous, and the passes were beset with bands of savages.

It was at this point that the feeling first arose that, if the Confederation could do no better than this for her struggling frontier colony, it would be far better to cut themselves off entirely from the central government and

[1] Extracts from the "Journal." Cf. Littell's "Political Transactions," Appendix, I.

[2] Woodrow Wilson's "History of the American People," III, p. 51, for details of this report.

its control; and, although this idea had not yet become very general, it afforded a plausible basis for the agents of Spain to work upon.

Having provided for another Assembly[1] upon which to place the responsibility for action, if anything was to be done, the "Second Assembly" adopted two addresses, one "To the Honorable General Assembly of Virginia," and the other "To the Inhabitants of the District of Kentucky."[2]

The author of those two addresses cannot be positively ascertained, but it seems probable that in them we have the first work of General James Wilkinson, as their tone, and the extreme manner in which they are drawn up, agree very closely with some later work of the same nature which can with certainty be assigned to his pen. Although he was not a member of this Assembly, his talents were, by this time, very well recognized throughout the District, and Marshall thinks that the author was not a member of the convention.[3]

The address to the Assembly of Virginia was never delivered, this task being left for the next Assembly, which refused to perform it. It expressed the desire for separation from Virginia, and for admission into the Union of States.

The address to the "Inhabitants of the District of Kentucky," however, is of more importance, as it was widely circulated and had the effect of stirring up discussion upon the subject of separation, and of increasing the desire to hasten that result. It also gives us a concise view of

[1] Littell's "Political Transactions," p. 18, and "Appendix," p. 6.

[2] Full texts given in Marshall, 1824 Ed., I, pp. 200–202, and also in Littell's "Political Transactions," Appendix, p. 2.

[3] Marshall, 1824 Ed., I, p. 206.

the political and social conditions of the District at this time.

"Friends and Fellow Citizens: We, your representatives, met in convention in consequence of your appointment, beg leave to address you on a subject which we consider of the last importance to you, to ourselves, and to unborn posterity.

"In every case when it becomes necessary for one part of the community to separate from the other; duty to Almighty God and a decent respect for the opinions of mankind require that the causes which impel them thereto should be clearly and impartially set forth.

"We hold it as a self evident truth that the government is ordered for the ease and protection of the governed: and whenever these ends are not attained, by one form of government, it is the right, it is the duty, of the people to seek such other mode as will be likely to insure to themselves and to their posterity those blessings to which, by nature, they are entitled.

"In the course of our enquiries, we find that several laws have passed the Legislature of Virginia, which, although of a general nature, yet in their operation are particularly oppressive to the people of this district; and we also find that, from our local situation, we are deprived of many benefits of government which every citizen therein has a right to expect; as a few facts will sufficiently demonstrate.

"1. We have no power to call out the militia, our sure and only defence, to oppose the wicked machinations of the savages, unless in case of actual invasion.

"2. We have no executive power in the District, either to enforce the execution of laws, or to grant pardons to

objects of mercy; because such a power would be inconsistent with the policy of the government, and contrary to the present constitution.

"3. We are ignorant of the laws that are passed until a long time after they are enacted, and in many instances until they have expired: by means whereof penalties may be inflicted for offences never designed, and delinquents escape the punishment due to their crimes.

"4. We are subjected to prosecute suits in the High Courts of Appeals at Richmond, under every disadvantage for the want of evidence, want of friends, and want of money.

"5. Our money must necessarily be drawn from us, not only for the support of the civil government, but by individuals who are frequently under the necessity of attending on the same.

"6. Nor is it possible for the inhabitants of this District, at so remote a distance from the seat of government, ever to derive equal benefits with citizens in the Eastern parts of the State; and this inconvenience must increase as our country becomes more populous.

"7. Our commercial interest can never correspond with or be regulated by theirs, and in case of any invasion, the State of Virginia can afford us no adequate protection, in comparison with the advantages we might (if a separate State) derive from the Federal Union.

"On maturely considering truths of such great importance to every inhabitant of the District, with a firm persuasion that we are consulting the general good of our infant country, we have unanimously resolved, That it is expedient and necessary for this District to be separated from Virginia and established into a sovereign, independ-

ent State, to be known by the name of the 'Commonwealth of Kentucky,' and taken into union with the United States of America.

"In order to effect this purpose we have agreed on a petition to be presented [1] to the Legislature of Virginia at their next session, praying that a separation may take place; in which petition are fully set forth such terms as we thought beneficial to our infant country, and not inconsistent for Virginia to grant.

"It is generally admitted that this District ought, at some period not far distant, to be separated from the government of Virginia.

"The only question then, is, whether we are now, of sufficient ability, either to fill the different offices of government, or provide for its support? In answer to the first part of this objection, examples have taught us, that sound principles and plain sense suffice for every laudable purpose of government; and we generally find that the liberty of the subject and the laws of the land, are in the highest reverence, at the foundation and rise of States, before the morals of the people have been vitiated by wealth and licentiousness and their understandings entangled in visionary refinements and chimerical distinctions: and as to the latter part, we have now in our power several valuable funds, which, if by procrastination we suffer to be exhausted, we shall be stripped of every resource but internal taxation, and that under every disadvantage: and therefore we do not hesitate to pronounce it as our opinion, that the present is preferable to any future period.

[1] The delivery of this petition was, however, to be left to the next Assembly. See Resolution No. 5, ante.

"By an act of the last session of the Assembly, we find that the revenue law is now fully and immediately to be enforced within the District, so that we shall not only pay a very considerable part of the tax for supporting the civil government of the State, but also be obliged to support our supreme court, and every other office we need in the District, at our own charge; and we are of the opinion, that the additional expense of the salaries to a governor, council, treasurer and delegates to Congress, will, for a number of years, be more than saved out of the funds before alluded to, without any additional tax on the people."

Having accomplished the passage of these resolutions and addresses, the "Second Assembly" adjourned, and the people anxiously awaited the time for electing delegates to the "Third Assembly," confident that the thirty representatives, who were to compose it, would finally settle the great question of separation.

The election came in July, and in the following August the new delegates arrived at Danville, among those from Fayette County being General James Wilkinson. This seems to have been his first appearance, as a member, in the councils of the District, though, from this time forward, he stands as their most prominent figure.

The first business to come before the Assembly was a consideration of the papers and recommendations which the "Second Assembly" had committed to them. These were debated at length in the Committee of the Whole, and a report was delivered to the Assembly by Mr. Muter. The report states that Kentucky, by virtue of her isolation, can never hope to be properly governed while the present connection with Virginia is maintained, and proceeds to

give a list of grievances, the same, in substance, as those in the above-quoted "Address to the People," declaring, at the same time, that these grievances are due, not to any evil intention on the part of Virginia, but to the unnatural and useless legal subordination of the District to the State. It closes thus:

"Whereas all men are born equally free and independent, and have certain natural, inherent and inalienable rights; among which are the enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety: Therefore,

"Resolved, That it is the indispensable duty of this convention, as they regard the prosperity and happiness of their constituents, themselves and posterity, to make application to the General Assembly, at the ensuing session, for an act to separate this District from the present government forever, on terms honorable to both and injurious to neither; in order that it may enjoy all the advantages, privileges and immunities of a free, sovereign and independent republic."

This report was unanimously adopted by the Assembly, who further proceeded to draw up and adopt two addresses, one to the Assembly of Virginia, and one to the inhabitants of the District of Kentucky. As the work of this convention succeeded in securing the consent of Virginia to the proposed separation, though the conditions upon which it was to be granted were not fulfilled for years, I quote, in part, the first of these addresses.

"Gentlemen: The subscribers, resident in the Counties of Jefferson, Fayette, Lincoln and Nelson, comprising the District of Kentucky, being chosen at free elections held

in these counties respectively by the freemen of the same, for the purpose of constituting a convention, to take into consideration the general state of the District, and expressly to decide on the expediency of making application to your honorable body, for an act of separation—deeply impressed with the importance of the measure, and breathing the purest filial affection, beg leave to address you on this momentous occasion.

"The settlers of this distant region, taught by the arrangements of Providence, and encouraged by the conditions of that solemn compact for which they paid the price of blood, to look forward to a separation from the Eastern part of the Commonwealth; have viewed the subject leisurely at a distance and examined it with caution on its near approach:—irreconcilable as has been their situation to a connection with any community beyond the Appalachian Mountains, other than the Federal Union; manifold as have been the grievances flowing therefrom, which have grown with their growth and increased with their population; they have patiently waited the hour of redress, nor even ventured to raise their voices in their own cause until youth quickening into manhood, hath given them vigor and stability.

"To recite minutely the causes and reasoning which have directed and will justify this address, would we conceive, be a matter of impropriety at this juncture. It would be preposterous for us to enter upon the support of facts and consequences which, we presume, are incontrovertible; our sequestered situation from the seat of government, with the intervention of a mountainous desert of two hundred miles, always dangerous, and passable only at particular seasons, precludes every idea of a connection on

republican principles. The patriots who formed our constitution, sensible of the impracticability of connecting permanently in a free government the extensive limits of the commonwealth, most wisely made provision for the act which we now solicit.

"To that sacred record we appeal . . . and, by the authority of our constituents, after the most solemn deliberation, being warned of every consequence which can ensue, for them, for ourselves, and for posterity unborn, do pray that an act may pass at the ensuing session of Assembly, declaring and acknowledging the sovereignty and independence of this District. . . ." [1]

A comparison of this production with the one already quoted shows a striking similarity of style and spirit, which seems to justify the assumption that the author was the same. In this article, however, the real spirit of Wilkinson is somewhat concealed, as he is addressing a body whose members are not supposed to be easily swayed by passion and extreme statements, while, in the "Address to the Inhabitants of the District," quoted above, he had allowed the intensity of his views to be clearly seen.

In order to give more dignity and force to the "Address to the Virginia Assembly," the Chief Justice of the District, George Muter, and the District Attorney, General Innis, were appointed to present it, and to offer their personal support toward securing its passage. They arrived at Richmond in November (1785), and laid the matter before the General Assembly, offering such defence and explanation as the case seemed to demand.

[1] "Political Beginnings of Kentucky," by John Mason Brown, Appendix II; Marshall's "History of Kentucky," 1882, Ed., I, pp. 210, 212; Littell's "Political Transactions," Appendix, p. 11.

The Assembly received the petition with great kindness and liberality, and at once passed an act which is now known as the "First Enabling Act." [1] It refers at first to the petition, and to the expediency of making such a change, on account of the remoteness of the better parts of the District from the seat of government. It then declares that, "The free male inhabitants," of each of the seven counties of the District, shall elect representatives on their "respective court days," during the next August; that these representatives shall meet at Danville, on the fourth Monday in September, and decide whether or not it is expedient and the will of the people to become an independent State upon the following conditions: [2] that the boundary between the proposed State and the State of Virginia remain the same as at present; that the proposed State assume a proportion of the public debt of Virginia; that private rights and land interests within the said District, derived from the laws of Virginia prior to such separation, remain secure under the laws of the proposed State; that equal taxation and equal security for the property of residents and nonresidents of the District be insured; that all land titles made by Virginia and surveyed prior to 1788 be made valid and sound; that those tracts of land which Virginia has retained as rewards for service, etc., be reserved for her use until September, 1788, and no longer; that the Ohio be open to the free navigation of

[1] Found in 12 Hening's "Statutes at Large," p. 37, and entitled, "An act concerning the erection of the District of Kentucky into an Independent State," passed January 6, 1786, Senate, January 10, 1786. The chief extracts from the proceedings of this Assembly are give in Appendix II, of Brown's "Political Beginnings of Kentucky."

[2] A reprint of these conditions will be found in Marshall, 1824 Ed., I, pp. 223–224.

all citizens of the United States, and that disputes which may arise between Virginia and the proposed State concerning the meaning or execution of the foregoing articles be submitted to arbitration.

The bill provides also that, in case the proposed convention shall decide in favor of separation upon these conditions, it shall fix a date (prior to September 1, 1787), when Virginia's authority over the District of Kentucky shall cease; but this only in case Congress shall (prior to June 1, 1787) relieve Virginia from her Federal obligations, relative to this District, and shall admit the latter as a State into the Federal Union.

These conditions appear fair enough, but they required delay, and delay did not suit the extreme party who had controlled the last Assembly, and who were eager for the immediate declaration of independence, which would give them a chance at pronounced leadership. Foremost among these was Wilkinson, and, in the elections which occurred in the summer of 1786 for the "Fourth Assembly," he became a candidate. He did not hesitate to express his desire for an immediate declaration of independence, and, though he roused great opposition by his extreme views, he was elected a delegate from Fayette County, by fraud his enemies declared.

In the meantime the Indians having become very troublesome, two expeditions had been organized, one under Clark against the Wabash tribes, the other under Logan against the Shawnees; and so many of the members of the coming convention had taken service in these expeditions, that, when the day came for its assembling, "a number sufficient to proceed to business could not be had." [1]

[1] Littell's "Political Transactions," p. 21.

The minority which did assemble chose John Marshall (afterwards the "Great Chief Justice" of the United States), as their agent to present to the Virginia Assembly a memorial, stating their unfortunate situation, and asking for a modification of the conditions of separation which could not now be fulfilled.[1] This irregular request was granted, and a "Second Enabling Act"[2] was passed, continuing the assent to the separation, but requiring the convention to be reëlected during the following August (1787); postponing the operation of the act of separation until January, 1789, and fixing July 4, 1788, as the date prior to which Congress should consent to receive Kentucky into the Union.

Thus again was the object of Kentucky's desire denied her. She had started the struggle for independence in 1784. It was now impossible to secure it before 1789; and yet the majority of the people submitted patiently, thinking that it was better to act slowly, rather than to violate the law, in order to gain the independence for which they longed.

In January, 1787, the Fourth Assembly finally succeeded in getting together its quorum, only to discover that it had been deprived of all authority by the change in the conditions which the Assembly of Virginia had just made. Realizing that they had no power to proceed, they disbanded in anger, and scattered to their respective counties, spreading discontent and impatience throughout the entire District.

Wilkinson, in particular, more boldly than ever, ad-

[1] Littell's "Political Transactions," Appendix, contains John Marshall's letter reporting upon the matter.

[2] Passed January 10, 1787. Text, 12 Hening's "Statutes at Large," p. 240.

vised, "an immediate declaration of independence," regardless of the consequences. He declared that the country was in no condition to wait; that it needed liberty, and was perfectly competent to maintain an independent government. He appealed to the Indian outrages to which they were exposed without any means of defence, and did all in his power to break down the general and firm respect for law which pervaded the community.

By degrees also rumors relative to the navigation of the Mississippi began to be circulated. A number of gentlemen in Pittsburg, calling themselves a "Committee of Correspondence," sent a written communication, to the people of Kentucky, declaring that John Jay, the American Secretary of Foreign Affairs, had made a proposition to Don Gardoqui, the Spanish minister, to cede to Spain for twenty-five years, the navigation of the Mississippi River, in consideration of certain commercial advantages to be enjoyed by the Eastern States alone.

This was at once seized upon by Wilkinson and his party, and converted into a charge against Congress, whereas it was really only a proposition which had been made and rejected.[1] Indeed, Congress had expressly ordered the Secretary of Foreign Affairs to, "stipulate both for the territory of the United States," as recognized in the treaty with England, and for the navigation of the Mississippi from its source to the ocean. The Spanish

[1] John Marshall wrote concerning this subject: "The negotiation which has been opened with Spain for ceding the navigation of the Mississippi—a negotiation so dishonorable and injurious to America, so destructive of the natural rights of the western world—is warmly opposed by this country, and for this purpose the most pointed instructions are given to our delegates in Congress (i. e., Virginia). I persuade myself that this negotiation will terminate in securing instead of ceding that great point." Littell's "Political Transactions," Appendix VIII, p. 21.

minister having declared that Spain would never permit any nation to use that river, both banks of which belonged to her, Mr. Jay had reported this statement to Congress, and had also informed that body, "that Spain was ready to grant to the United States extensive and valuable commercial privileges, and that it was in her power, by her influence with the Barbary States and, by her connection with France and Portugal, greatly to injure the commerce of America, and to benefit that of England, but that, at present, the questions respecting the Mississippi and territorial limits prevented any commercial arrangements whatever." In view of which facts, he recommended a treaty with Spain, limited to "twenty or thirty years, and abandoning, during that period, all claim to the navigation of the Mississippi below their Southern boundary line." His view was based on the false idea that we would have no special need to use the river for the next twenty or thirty years.

On receiving this warning from Pittsburg, Messrs. Muter, Innis, Brown and Sebastian sent out a circular letter [1] (dated March 29, 1787), calling on the people of Kentucky to elect representatives to meet at Danville on the first Monday in May, to take action against such an outrage. They readily complied, but, before the delegates had assembled, the matter came to be better understood, and the convention, without any action upon it, adjourned. When it became generally known that Congress had refused to accept Jay's proposition, the intense excitement gradually died down, although there can be lit-

[1] Full text given in (*a*) Littell's "Political Transactions," Appendix VIII; (*b*) Brown's "Political Beginnings of Kentucky," Appendix No. 4, and (*c*) Marshall, I, p. 259.

tle doubt that it resulted in deepening the prejudice of many against a union where such a proposition could even be considered. This prejudice, moreover, was greatly increased by the extraordinary action of the Virginia Executive in censuring General Clark and General Logan for the military expeditions against the Wabash and Shawnee Indians, which they had recently conducted with the consent of the county lieutenants.[1] It was bad enough, the Kentuckians reasoned, to be left unprotected by the parent State, but to be censured for necessary acts of war was unbearable. Why should they not, argued the more extreme of them, secure their independence, make their own terms with Spain concerning the navigation of the Mississippi, and remain an independent and sovereign State? For this view, an able and energetic advocate was found in Wilkinson. He had used all of his talents, and most of his money, in securing personal and political friends, and, when the time came for electing delegates for the Fifth Assembly, which was to meet on September 17, 1787, he appeared as a candidate, and was elected. But when the delegates assembled at Danville, Wilkinson was missing. The Assembly opened its session and proceeded to consider the question before them (that of separation from Virginia), quietly and with a unanimity hitherto unknown.

Wilkinson, wishing to illustrate, by concrete example, the wisdom of his proposition, and also to secure money, of which he was greatly in need, had started upon a journey to New Orleans, for the purpose of trading with the Spaniards. For several months, nothing was heard of him, but when, at the end of that period, he again appeared in the District of Kentucky, it was in a chariot drawn by four

[1] Littell's "Political Transactions," pp. 21–25.

horses, with a long retinue of slaves and a curious private trading treaty, which gave him the right to export all the productions of Kentucky, free of duty, and an offer, on behalf of the Spanish government, of nine dollars and fifty cents a hundred for tobacco, for which the Kentuckians were then receiving only two dollars.

He was received, by his friends, as an ambassador, who had, by his own private efforts, gained greater concessions from Spain than the whole Federal Union had been able to secure; [1] but his enemies, with good reason, questioned the honesty of such a transaction, and looked upon Wilkinson as a hired agent of Spain. He had accomplished his design, but, in so doing, he had exposed himself to attack; and, though his tracks were so well covered [2] that nothing could ever be proved against him, he seems to have gone a little farther than most men were willing to go.

The party of which Wilkinson was leader, and upon which this reckless venture cast great discredit, was known as the Court party, on account of the fact that the leaders, Brown, Sebastian and Innis, were all members of the Supreme Court of the District. Their scheme was, "a declaration of independence, an immediate organization of government, a treaty with Spain for the navigation of the Mississippi, and a connection with the United States, or not, according to circumstances and contingencies." [3] In

[1] Marshall, 1824 Ed., I, pp. 270–283.

[2] See "Lexington Reporter," March 14, 1803.

[3] It would be grossly unjust to judge of secession plans of that generation by standards of later days. National patriotism, so vigorous during the Revolution, had failed to attach itself to the government under the Articles of Confederation. The real enthusiasm was everywhere given to the state governments, which alone touched the life of the individual. See, for example, the history of the "Essex Junto," and their plan for an Eastern Confederacy, described in "Schouler," II, pp. 60 et seq.

opposition to this party and its principles, stood the "Country party," loyal, and determined to preserve the integrity of the United States by a legal and constitutional separation, and admission into the Union, in any manner recommended by Congress.

Meanwhile, the Fifth Assembly, having convened (Sept. 17, 1787), had gravely considered anew the question of separation, and had decided unanimously that it is "expedient for and the will of the good people of the District," that it should be separated from the rest of the State upon the terms and conditions prescribed by law. It had adopted a petition to Congress asking admission into the Union,[1] and had secured, from the Virginia Legislature, the appointment of John Brown as the first Congressional delegate of the District, charging him with the delivery of the petition.

The state of affairs which confronted Brown, when he entered upon his duties, was not calculated to increase his love for the Confederation. The Convention which gave birth to our present Constitution had just concluded its work and was now ready to submit it to the States for their approval.[2] So much excitement was felt over this event, and so little attention was given to the Old Congress, that it could not collect a quorum during the entire winter; and, though its consent to the separation was necessary, before July 4th, 1788, according to the requirements of the Second

[1] Littell's "Political Transactions," p. 32.

[2] The "New Plan," as it was called, met great opposition, and especially from Virginia, which persisted in her refusal to "ratify," until nine States had already given their assent and further opposition was seen to be futile. In her convention, specially assembled to consider the New Federal Constitution, the District of Kentucky was represented by fourteen delegates—two from each of the seven counties. Three of them voted for the adoption, nine against it, and two did not vote at all. See Elliot's "Debates," 1836 Ed., III, p. 604.

Enabling Act, the question of the admission of Kentucky did not come up until July 3d; and even then the Old Congress, desiring only to be relieved from all further responsibility, declined to act upon the petition, referring it to the new government which was so soon to be organized. This made it impossible to fulfill the second set of conditions laid down by Virginia; and Kentucky found herself, after more than four years of ceaseless effort, exactly where she had been at the beginning.

About two weeks later (July 28, 1788), a convention which had been elected to form a Constitution for the new State, assembled at Danville.[1] Brown had sent a communication to Samuel McDowell, its president, and also to Judge Muter, announcing the failure of his mission, in spite of his very best efforts, and openly interpreting the failure of Congress to act upon Kentucky's petition, as due to jealousy on the part of the New England States, and an unwillingness that any additional strength be given to Southern representation in Congress. He declared it as his opinion that the same cause would operate under the new government; and he further communicated, "in confidence" the result of certain conferences which he had had with the Spanish minister. He spoke of a promise of that minister to give particular commercial advantages to Kentucky, "if she will erect herself into an independent government;" which advantages, he declared, "can never be yielded to her by Spain so long as she remains a member of the Union." [2] He announced it as his decided opinion that Kentucky ought to declare herself independ-

[1] The original "Journal," in manuscript, of this Convention is among the Durrett MSS.

[2] Collins, I, pp. 21, 22.

ent, at once, without waiting for another act from Virginia, or for the new Federal government to be organized, and to admit her into the Union.

There was great uncertainty among the members of the Convention as to the best course of action, under such discouraging circumstances, especially since the failure of Brown's mission had made the formation of a State Constitution unnecessary, thereby annulling the only powers that had been delegated to them. The debate lasted several days, and was ended by the passage of resolutions, recommending the election of five delegates from each county of the District, to meet at Danville on the first Monday of the November following, there to take measures "for obtaining admission of the District, as a separate and independent member of the United States of America, and the navigation of the Mississippi . . . ; and also to form a constitutional government for the District." [1]

This done, the Constitutional Convention quietly adjourned to await the election of a Seventh Assembly; but dissatisfaction with the progress of events was becoming more general, and the radical element more confident of success.

In the elections which followed, as in the Seventh Assembly itself, we see, for the first time, a set conflict between the Court party and the Country party; though the elections passed off quietly enough, except in Fayette

[1] Quoted in full by Marshall, 1824 Ed., I, pp. 290, 291. There are five resolutions besides the one quoted here. The Durret collection contains a manuscript volume which is the original record of the conventions of July, 1788, November, 1788, July, 1789, July, 1790, and of the Constitutional Convention of April, 1792. It is in the handwriting of Thomas Todd, afterward Associate Justice of the Supreme Court of the United States.

County, where Wilkinson presented himself as a candidate. The Country party was the stronger; but the Court party was far more energetic and unscrupulous. In Fayette County, Wilkinson soon saw that his chance of election by honest means was very small. He therefore dissembled his real views and associated himself with four other men in a joint ticket, but, as the voting proceeded and he discovered that he and his associates were falling dangerously behind, he openly disavowed all disorganizing views, and professed himself perfectly ready to act according to the instructions of his constituents. This plan, together with his personal popularity, saved him, and he was elected, being the only member of his party returned from the county.

In November the delegates of the Seventh Assembly met at Danville,[1] both the Court party and the Country party being well represented. Wilkinson and Brown led the discussion. First, Wilkinson took the floor and, after dwelling at length upon the vast importance of the navigation of the Mississippi to the entire District and the whole West, declared that there was, "one way and but one of obtaining this rich prize for Kentucky, and that way was so guarded by laws and fortified by constitutions that it was difficult and dangerous of access; . . . that Spain had objected to granting the navigation in question to the United States;" [2] that it was not to be presumed that Congress would obtain it for Kentucky alone, or even for the entire West alone, as her

[1] The Proceedings of this Convention are published in Appendix IX of Brown's "Political Beginnings of Kentucky." They are also quoted very extensively by Marshall in his "History of Kentucky," 1824 Ed., I, p. 316. The original MS. Journal is in the Durrett collection.

[2] Marshall, 1824 Ed., I, p. 318; Butler, 1834 Ed., p. 176.

treaties must be general. "The way to obtain it," he continued, "has been indicated in the former convention, and every gentleman present will connect it with a declaration of independence, the formation of a constitution and the organization of a new State, which may be safely left to find its own way into the Union on terms advantageous to its own interests." He concluded with the suggestive remark, "There is information of the first importance upon this subject within the power of the Assembly, which I doubt not will be equally agreeable for the members to hear and the gentleman who possesses it to communicate."[1] He glanced at Brown, and the eyes of the whole Assembly followed his.

Brown at once arose and expressed himself ready to give such information as was desired; but said that he did not feel at liberty to disclose what had passed in private between the Spanish Minister, Mr. Gardoqui and himself, but that he was certain that he could safely say this much, that, "provided we are unanimous, everything we wish for is within our reach."[2] He did not mention the specific point about which they must be unanimous; but it was evident that this particular body was not likely to be unanimous upon any point vital to the discussion, unless something very decided was done.

Wilkinson therefore arose and asked permission to "read an essay" upon the subject of the navigation of the Mississippi. No objection being made, the General produced a manuscript of some twenty sheets and began. He urged the natural right of the Western people to the use of this great highway, and pointed out the vast resources of the

[1] Collins, I, p. 270.
[2] Butler, 1834 Ed., p. 177.

District of Kentucky, which would be valueless without this means of securing a market. He recalled the general outcry which the people along the western waters had made, when Congress had threatened to abandon the navigation claim for twenty-five years, declaring that the Western people had been just on the point of cutting themselves off forever from the Union on that account. He concluded by declaring that England stood ready to aid them in securing their right, in case Spain should be so blind to her own interests as to refuse it.[1]

Each sheet, as it was read, was handed over to Sebastian, a man who was soon after proved to be a pensioner of Spain; and when Wilkinson had finished the essay a vote of thanks was extended to him.

The logical moment for the proposing of a declaration of independence had now arrived; but no such suggestion was made, for Wilkinson and his colleagues of the Court party saw clearly that such a step would find no favor before this Convention.

Without further action, therefore, than the adoption of the customary "addresses," the Seventh Assembly adjourned.

News had meanwhile reached Virginia that the action of the old Confederate Congress had made it impossible for Kentucky to fulfill the conditions of separation which had been laid down in the Second Enabling Act. The Virginia Assembly therefore passed a "Third Enabling Act," [2]

[1] Marshall, 1824 Ed., I, p. 320, taken from the notes of Colonel Thomas Marshall.

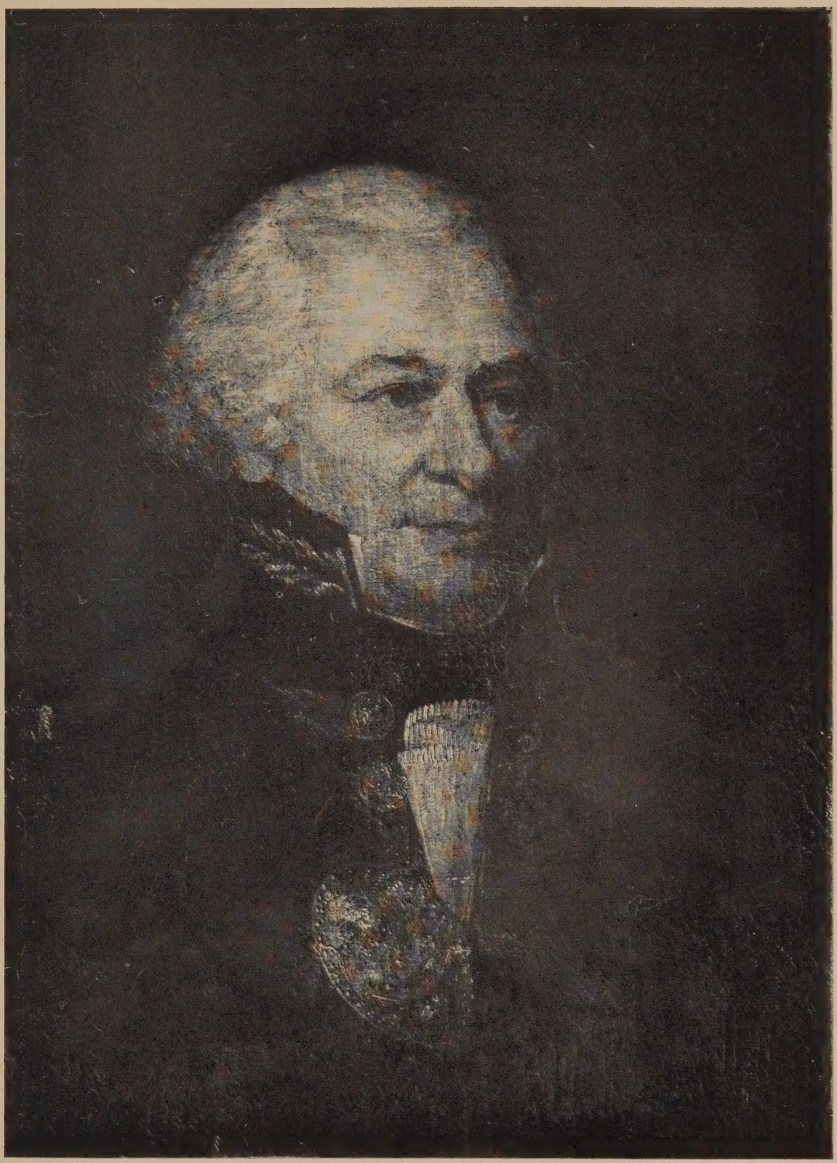
[2] This act was passed December 29, 1788, and is entitled, "An act concerning the erection of the District of Kentucky into an Independent State." See Hening's "Statutes at Large," 12, p. 788. It also appears in full in the "Kentucky Gazette" for February 4, 1789.

which arrived in Kentucky during the month of January (1789), showing very clearly that Virginia was perfectly willing to secure the regular separation of Kentucky as soon as possible. This act however caused general dissatisfaction, by reason of two conditions which were looked upon as unjust and uncalled for. The first, which proposed to subject the new State "to payment of a portion of the domestic debt of Virginia then existing," seems fair enough, when we consider that a large part of this debt had been incurred by military expeditions on account of the District, and since the passage of the First Enabling Act; but the second had no such justification. It proposed that the new State should continue "dependent upon Virginia as to the time for completing the titles and surveys to lands given to officers and soldiers by Virginia." This seemed to allow only for the creation of a partially independent State,[1] and the resentment which it aroused was, therefore, just.

This act provided also for an Eighth Assembly of the District, constituted as before, which was to meet at Danville on the third Monday in July, 1789, decide again upon the general advisability of a separation from Virginia upon the conditions proposed, and provide for the election of a Ninth Convention, to frame a Constitution and organize the new government, in case separation should be deemed advisable.

In the meantime, the "Old Confederation" with its manifold defects and weaknesses had given way to the new order of things. The new Constitution was put into operation, according to the plan proposed by the great convention which formed it, on March 4, 1789; and notice was

[1] Marshall, 1824 Ed., I, p. 342.



General James Wilkinson

From a life-size portrait by Jarvis, now in the possession of Colonel Reuben T. Durrett, of Louisville, Kentucky.

at once given to the District of Kentucky that no time would be lost in effectually protecting her from the Indians, who had lately become so bold in their incursions that no part of the District was secure.

On July 20 the Eighth Assembly met at Danville, and took up the question of separation upon the terms required by Virginia in her Third Enabling Act, the debate opening with the consideration of the two obnoxious conditions. After some discussion, it was decided that a memorial be sent to the Virginia Assembly, protesting against these conditions, and asking that they be withdrawn, and that the terms of separation be made "equal to those formerly offered by Virginia, and agreed to on the part of the said District."[1]

On December 18, the General Assembly of Virginia, having carefully considered these remonstrances, and having decided that they were just, passed a "Fourth Enabling Act,"[2] which contained practically the same conditions as had been laid down in the first two, but which omitted the two provisions contained in the third, to which the Assembly and the people had made such vigorous objections. It furthermore required the election of a Ninth Assembly to meet at Danville, on July 26, 1790, and decide again the question, "whether it is expedient and

[1] "MS. Journal of the Assembly," Durrett collection, contains the Ayes (25) and the Nays (13) on this question. It also contains a full list of the members of the Convention, and an interesting set of rules drawn up for governing the meeting. One of these is quite suggestive, viz.: "That any member conducting himself indecently towards the President or any of the members in the Convention—shall be subject to such reproof from the chair, as the Convention may think proper to direct."

[2] Hening's "Statutes at Large," 12, p. 17. The act is entitled "An act concerning the erection of the District of Kentucky into an Independent State." It was passed on December 18, 1789. See also "Kentucky Gazette" for March 29, 1790.

the will of the good people of the District," that Kentucky become a separate State upon condition that, prior to the first of November, in the year aforesaid, the government of the United States release Virginia from the Federal obligations arising from the District, and agree that the proposed State shall be admitted into the Federal Union, upon a certain day to be set by the Convention.

If this convention should decide in favor of separation upon these conditions, it was required to make arrangements for a Tenth Assembly, which should frame a Constitution and declare what laws should be in force in the new State.

Accordingly, on the appointed day, the Ninth Assembly met at Danville, and passed a resolution declaring their acceptance of the conditions laid down in the Fourth Enabling Act of Virginia, naming June 1st, 1792, as the day upon which the separation should occur. It next appointed a committee, to draw up an address to the Assembly of Virginia, announcing their acceptance of the conditions, and desiring their aid in obtaining the admission of the new State into the Union.[1]

James M. Marshall then submitted a memorial address to "The President of the United States and to Congress," expressing the warmest attachment to the Federal Government and Constitution, stating the grounds upon which Kentucky had secured independence, and asking for an act admitting her into the Union within the time prescribed by Virginia." [2] Having adopted this memorial, the Con-

[1] North Carolina's sad experiences with John Sevier and the State of Franklin, was the real cause for Virginia's refusal to loosen her grasp upon Kentucky "until it was fully organized and ready for admission into the Union." Fiske's "Critical Period of Amer. Hist.," p. 202.

[2] "Kentucky Gazette," February 12 and 19, 1791. Also Marshall, 1824

vention concluded its work by providing for the election of a Tenth Assembly, to choose officers, frame a Constitution, and decide what laws should remain in force until altered or set aside by the new Legislature.

The plots against the Union, so common during the early part of the struggle, had now been generally abandoned, and, at the time of the meeting of this last Assembly on separation, there is found no trace of dissatisfaction with the Union, or of desire to remain "Independent and Sovereign" for any purpose whatsoever. A letter written by Washington to Colonel Marshall about this time, shows how thoroughly the spirit of secession had been conquered by the new order of things. It reads: "In acknowledging the receipt of your letter of the eleventh of September (1790), I must beg you to accept my thanks for the pleasing communication which it contains of the good disposition of the people of Kentucky toward the government of the United States. I never doubted but that the operations of this government, if not prevented by prejudice or evil designs, would inspire the citizens of America with such confidence in it as effectually to do away with these apprehensions which, under our former Confederation, our best men entertained, of divisions among ourselves or allurements from other nations. I am therefore happy to find that such a disposition prevails in your part of the country as to remove any idea of that evil which, a few years ago, you so much dreaded." [1]

A few weeks after this letter was written, Washington, in his communication to Congress, strongly recommended

Ed., I, pp. 361–362. Also MS. Journal of the Assembly. Durrett collection.

[1] Washington's Works, edited by Sparks, X, p. 137.

the adoption of Kentucky into the Union.[1] In answer, the Senate announced their disposition, "to concur in giving the requisite sanction to the admission of Kentucky as a distinct member of the Union;" and the House, a few days later, declared, "We shall bestow on this important subject the favorable consideration which it merits; and, with the national policy which ought to govern our decision, shall not fail to mingle the affectionate sentiments which are awakened by those expressed in behalf of our fellow citizens of Kentucky." [2]

On February 4th, 1791, both branches of the National Legislature fulfilled this pledge,[3] and, on June 1, 1792, Kentucky was admitted into the Union of States.[4]

[1] Ibid., XII, p. 13.

[2] Marshall, 1824 Ed., I, p. 367.

[3] The act admitting Kentucky is printed in "Kentucky Gazette" of March 19, 1791. It was signed by President Washington, on February 4, 1791.

[4] Text of Kentucky's first Constitution, Durrett MSS. Reprint, Marshall, 1824 Ed., I, pp. 396–413.

CHAPTER V

HARMAR, WILKINSON AND ST. CLAIR

WHILE Kentucky is adjusting herself to the duties of statehood, and preparing to put her new Constitution into operation, we may pause for a few moments to consider the growth of the District during the long years of conflict for separation from Virginia; for which purpose, and in lieu of official census,[1] we may conveniently make use of the diary of Major Erkuries Beatty, Paymaster of the Western Army,[2] who saw fit to record his impressions of Kentucky during the year 1786. "In the latter end of the year 1779," he writes, "this whole extent of country only contained one hundred and seventy souls, and now they say there are thirty thousand in it," hastening, however, to add that, in his opinion, this estimate is some five thousand in excess of the truth.

If we may venture to assume that Major Beatty's apparently conservative estimate is approximately accurate, and that Captain John Cowan's conclusions[3] of nine years earlier are equally trustworthy, we shall have a basis upon which to figure the rate of growth. Cowan fixed the total population, in 1777, at one hundred and

[1] We have a detailed census of Kentucky from 1790 to the present day. See Collins, II, pp. 258–271, for table up to 1870.

[2] Durrett MSS., unpublished.

[3] When the first court ever held in the region now embraced within the State of Kentucky was convened at Harrodsburg, in September, 1777, Captain John Cowan estimated the total population at 198 souls. Table showing various elements of this population, Collins, II, 606.

ninety-eight; by 1786 it had increased to twenty-five thousand, and, when the first regular census of the District was taken in 1790, it showed a total population of seventy-three thousand six hundred and seventy-seven.[1] These figures imply that, during the nine years from 1777 to 1786, immigration to Kentucky averaged about two thousand seven hundred a year, and, from 1786 to 1790, twelve thousand a year.[2]

This vast army of immigrants had begun, long before 1786, to make use of the great Ohio river route into Kentucky, not only because it was safer and more convenient to travel by water, but also because it had become generally known that the richest lands lay in the northern districts, and were more easily reached by the river than by either the old Wilderness Road, or the new road which the Virginia surveyors had opened up over the Cumberland mountains.[3]

This change of route had not escaped the savages, who, alarmed by the ever increasing white man's invasion of their hunting ground, had so persistently haunted the wooded banks of the Ohio, that, during all those years, scarcely a boat had escaped unmolested.[4]

[1] By the first of June, 1792, when Kentucky was admitted to the Union, her population numbered 100,000 souls.

[2] Justin Winsor, in his "Westward Movement," p. 136, mentions these figures with a touch of skepticism. It may be argued that a considerable part of this increase may be accounted for by natural generation, but, to offset this, we have to consider the very large mortality of the District during these years of Indian warfare. In 1790 Judge Innis wrote to the Secretary of War, that the Indians alone had killed 1,500 persons during his seven years of residence in Kentucky. Durrett's "Kentucky Centenary," p. 45; Butler, 1834 Ed., p. 195.

[3] Winsor's "Westward Movement," p. 136. For detailed description of the roads to Kentucky at this early period see Durrett's "Kentucky Centenary, pp. 75–76.

[4] Burnett's "Notes on the Northwestern Territory," p. 83.

It had been the evident duty of the State of Virginia to do all in her power to render safe the routes of migration into her western possessions, but she had never been in a position to devote much attention to the matter, and had rather resented the obligation. As soon, therefore, as the new Federal Constitution had been put into operation, Governor Randolph had taken action which was calculated to throw this responsibility upon the National Government. In June, 1789, he had issued, to the county lieutenants of the District of Kentucky, an order,[1] directing them to discharge all their scouts and rangers, and declaring, "in cases of any future incursions of Indians, you will give as early information of them as possible to the officer commanding the Continental post on the Ohio, nearest the point of attack. I have communicated to the President the instructions now sent you, and have no doubt but effective measures will be taken to protect all the inhabitants of the frontiers."

From the point of view of the Federal Government, it had been necessary for her to accept this duty, both because the new Constitution gave her sole charge of Indian affairs,[2] and because the Indian depredations along the Ohio frontier were notoriously the result of the failure of England to remove her troops from the Northwest posts: but from the point of view of the Kentucky people, such a change was a disaster, as the Federal troops along the Ohio were too few to be of any real service in the defence of so large a frontier. The Eighth Assembly upon separation, then in session, had therefore, ventured to turn aside from the specific object for which it had been elected, to enter a

[1] Copy of this order, Marshall, 1824 Ed., I, pp. 352–353.
[2] Section VIII, Clause 3.

spirited protest against this policy,[1] and to dispatch to the President a complaint of the defenceless condition of the frontiers.

This complaint had been reinforced by a letter from General Arthur St. Clair,[2] which declared, "The constant hostilities between the Indians who live upon the river Wabash, and the people of Kentucky, must necessarily be attended with such embarrassing circumstances to the Government of the Western Territory, that I am induced to request you will be pleased to take the matter into consideration, and give me the orders you may think proper.

"It is not to be expected, Sir, that the Kentucky people will or can submit patiently to the cruelties and depredations of the savages—they are in the habit of retaliation, perhaps without attending precisely to the nations from which the injuries are received. They will continue to retaliate, or they will apply to the Governor of the Western Country (through which the Indians must pass to attack them) for redress; if he cannot redress them (and in the present circumstances he cannot), they also will march through that country to redress themselves, and the Government will be laid prostrate.

"The United States on the other hand are at peace with several of the nations; [3] and should the resentment of these

[1] Marshall, 1824 Ed., I, p. 353, quotes their resolution appointing a committee, "to draw up and transmit to the executive, a remonstrance on the subject," and "to state to his excellency, the President of Congress, the defenceless state of our frontiers."

[2] St. Clair had recently been appointed the first Governor of the Northwest Territory, in payment, it is said, for the support which, as President of Congress, he had given to the Ordinance of 1787. See Winsor's "Critical and Narrative History," VII, p. 539. Full text of letter, "Kentucky Gazette," January 2, 1790. The letter is dated September 14, 1789.

[3] St. Clair had just completed treaties with several Indian tribes within the

people fall upon any of them, which is likely enough to happen, very bad consequences may follow; for it must appear to them that the United States either pay no regard to their treaties, or that they are unable or unwilling to carry their engagements into effect—they will unite with the hostile nations, prudently preferring open war to a delusive and uncertain peace. . . .

"The handful of troops, Sir, that are scattered in that country, though they may afford protection to some settlements, cannot possibly act offensively . . .

"I have the honor to be, Sir, Your most obedient and most humble servant,

"ARTHUR ST. CLAIR.

"The President of the U. S."

This letter, together with the protest from Kentucky, called forth the President's message of September 16, 1789,[1] in which he suggested to Congress, "the expediency of making some temporary provision for calling forth the militia of the United States for the purposes stated in the Constitution, which would embrace the cases apprehended by the Governor of the Western Territory," and it was not long before the people of Kentucky were assured that their cause was receiving careful attention. "It has been a great relief to our apprehensions for the safety of our brethren on the frontiers," they declared, a little later, in an address to Washington, "to learn, from the communications of the Secretary of War, that their protection against the incursions of the Indians has occupied your attention."[2]

Territory, and they were proclaimed by the President on September 29, 1789. Marshall, 1824 Ed., I, p. 354.

[1] Full text in "Kentucky Gazette" of January 2, 1790.

[2] "Kentucky Gazette," January 16, 1790.

They showed, however, no disposition to trust the matter wholly to the National Government, but began perfecting and extending their local militia system,[1] preparing to defend themselves, in case the new Federal Government should prove as incompetent as the old Confederacy had been; and these precautions were not abandoned, even after the receipt of a communication from the War Department, which declared that, "such measures as are within the power and consistent with the general duty of the President of the United States will be adopted for the protection of the frontiers." [2]

On May 30th, 1790, Governor St. Clair arrived at Louisville, on his way to meet General Harmar and arrange an expedition to the Indian country, which, it was hoped, would check all hostility for the future.[3] Their plans were soon settled and, toward the end of September, Harmar, with three hundred and twenty regulars,[4] took up his march toward the Miami villages. In Western Pennsylvania five hundred troops had been enlisted,[5] troops as unfit for the service as any that the land could afford. So impotent were they that, "the crowd of discarded, unjust serving men, and revolted tapsters that followed Falstaff to the field of Shrewsbury," says Professor McMaster,[6] "would have put it to shame." Instead of soldiers accustomed to bearing arms, came old men tottering on

[1] For the new Militia Law, see "Kentucky Gazette," January 30, 1790.

[2] This document, dated December 15, 1789, was in reply to the complaint sent to New York on September 8. It appears in full in the "Kentucky Gazette" of March 15, 1790.

[3] Marshall, 1824 Ed., I, p. 360; Burnet's "Notes on the Northwestern Territory," p. 93.

[4] Irving's "Washington," 1875 Ed., p. 639.

[5] Burnet's "Notes on the Northwestern Territory," p. 99.

[6] "History of the People of the United States," I, p. 598.

their legs, or beardless youths, nervously fingering their first firelocks, half of them, "too ignorant to take off a lock to oil it, or put in a flint so as to be of use." [1]

At Fort Washington,[2] a band of stout Kentucky volunteers,[3] under Colonels Hardin and Trotter, joined him, raising his numbers to about one thousand four hundred men; and the army began its march of seventeen days toward the Miami villages. Their advance was so slow that ample warning was given the Indians, who leisurely abandoned their towns and took refuge in the forest, where they planned an ambuscade, into which the invading army promptly blundered. Harmar, having encamped with his main force at the deserted Indian towns, sent Colonel Hardin with thirty regulars, and one hundred and fifty Kentucky militia [4] to follow and hunt down the fugitive savages. Hardin was confident that the Indians would not offer battle, and was explaining the reasons for this belief, when his army reached the edge of a large flat plain, bordered on either side by thick clusters of underbrush, a place where any cautious Indian fighter would have paused to reconnoiter.[5] He, however, took no such precaution, and the surprise and panic were complete, when the army suddenly found itself assailed from both sides by bands of savage warriors. The scene of Blue Licks was repeated. Little Turtle, the famous Miami chief, with some seven hundred warriors, had planned the encounter, and now rose up to take advantage of the confusion of

[1] McMaster, I, p. 598; Burnet's "Notes," p. 102.

[2] On the site of Losantiville, or Cincinnati.

[3] Marshall, 1824 Ed., I, p. 362, puts their number at 1,133. Burnet's "Notes," p. 99, says 1,000.

[4] McMaster, I, p. 599; Marshall, 1824 Ed., I, p. 363.

[5] Irving's "Washington," 1875 Ed., p. 689.

their enemies. The militia fled without firing a shot, and Hardin with them; [1] while the thirty regulars, under Captain Armstrong, and Ensign Hartshorn, stood their ground until all, except the two officers [2] and two or three privates, had fallen.

Meanwhile, the Indian villages and winter stores having been destroyed, General Harmar with his main army had begun the return march toward Fort Washington, (October 21, 1790). Hardin soon overtook him and begged permission to return with a detachment, and strike another blow at the enemy. It was a foolish request, and Harmar at first refused it, but he finally yielded, and placed four hundred militia at Colonel Hardin's disposal.[3] With this army Hardin returned to the ruins of the Indian villages, and, having profited nothing by his late disaster, he at once allowed his militia to scatter in pursuit of a band of loitering savages. The Indian leaders had expected this,[4] and, as soon as the militia were safely out of the way, they suddenly assailed the little body of regulars, now left alone, and cut them to pieces. Not one escaped,[5] and, when the militia, recalled from their pursuit by the noise of the battle, returned to give aid, it was too late. The day was irretrievably lost. Colonel Hardin with the shattered remnant of his militia, effected an escape, leaving his dead and wounded in the hands of the enemy, or packed with the fallen savages in the ford of the Maumee River,

[1] McMaster, I, p. 599.

[2] Hartshorn fell behind a log and escaped the notice of the savages, while Armstrong lay all night, sunk up to the neck in a neighboring swamp. Butler, 1834 Ed., p. 192.

[3] McMaster, I, p. 600.

[4] Marshall, 1824 Ed., I, p. 364.

[5] Butler, 1834 Ed., p. 193.

where, it is said, one could cross dry shod, treading upon the corpses of the slain and the writhing bodies of the wounded.[1]

Still was Hardin undismayed. Having reached the main army, he again begged Harmar for men, once more to try his fortunes against the victorious enemy: but Harmar, who had at last learned a lesson, refused, and hastened to lead his army back to Fort Washington.

The expedition excited comment, unfavorable both to Harmar and to Hardin, and a court-martial[2] was held, in which, however, both were honorably acquitted, though even this verdict could not wholly silence the suspicion that Harmar had "shown the white feather," and he shortly afterwards surrendered his commission.[3]

In the case of Hardin the acquittal was followed by a new court-martial, held at Young's tavern in Lexington, and, although the verdict declared, "We do unanimously agree that Colonel John Hardin's conduct on the said expedition, was that of a brave and active officer and that we approve his conduct,"[4] the facts seem rather to bear out the statement of James Brown,[5] that, "Personal bravery is the only part of the character of Hardin which stands unimpeached. . . . When you hear," he adds, "that the Indians, with half or less than half the loss of the whites, kept the field and, by that means, possessed themselves of the scalps and plunder, you will cer-

[1] Schouler, I, p. 154.

[2] Burnet's "Notes," p. 104.

[3] Schouler, I, p. 155.

[4] An account of this hearing, with the names of the judges and witnesses, appears in the "Kentucky Gazette" for December 11, 1790.

[5] Brown MSS., James Brown to his brother, dated Danville, November 29, 1790.

tainly call it a defeat. . . . Much of the blame . . . will be fixed on the militia of this country whose misbehavior was as much the effect of the misconduct of the officers as of their own want of spirit. . . ."

There can be little doubt that this was the true statement of the case. General Harmar had, indeed, proved himself weak and incompetent, by yielding to the importunities of Hardin, a subaltern, and in permitting ventures which his own judgment could not sanction; but the defeat had been due to Colonel Hardin, the commander of the Kentucky militia, and he should have borne a larger part of the blame which was so mercilessly meted out to General Harmar.

The people of Kentucky, however, took no such view. In their minds the disasters had been due to the fact that an officer of the regular army had commanded the expedition, and a petition, signed by a number of prominent Kentuckians, was forwarded to President Washington, pleading that no more regular officers be sent to command expeditions against an enemy of whom they knew nothing.

Washington and Knox, his Secretary of War, carefully considered this unreasonable demand, and even consulted John Brown, the only congressional delegate of what was then the District of Kentucky. At this conference it was arranged that, in order to satisfy the people of Kentucky, a local board of war should be appointed in the District, which, in conjunction with the commander of the United States Army in the West, should have power to call out the local militia for expeditions against the Indians, and to post scouts at certain points throughout the Kentucky District.[1]

[1] Scott, Innis, Shelby, Logan and Brown composed this board. Collins, I, p. 273.

When General Knox announced, however, that General Arthur St. Clair was to be appointed commander of the United States Army in the West, Brown protested. He declared that the appointment of St. Clair would be exceedingly distasteful to the people of Kentucky, not only on account of his unfortunate career during the Revolutionary War, but also because of his radical views concerning western affairs.[1]

But St. Clair received the appointment, in spite of Brown's protests, and at once began preparations for an expedition against the Wabash tribes.

The Kentuckians, meanwhile, chafing under the recollection of the ill conduct of their troops during the Harmar campaign, determined to conduct an expedition of their own, in order to "wipe away the stain," and to "prove to the general government that expeditions can be conducted with less expense and greater success." [2]

In May, 1791, a call was made, and the eight hundred mounted volunteers who responded were placed under Brigadier General Charles Scott,[3] with Wilkinson as second in command. They marched at once toward the Wabash towns and, on June 1st, came into their immediate neighborhood. Colonel John Hardin, with sixty mounted infantry and a troop of light horse under Captain M'Cay, was detached to attack a village to the left, while the main body pushed on, in order of battle, toward a town which the guides said was just in front of them. Having passed a strip of woodland which had impeded the view, Scott found that the guides had been mistaken

[1] Butler, 1834 Ed., p. 196; Marshall, 1824 Ed., I, p. 377.
[2] Letter of James Brown, dated November 29, 1790. Brown MSS.
[3] Details of Scott expedition given in "Kentucky Gazette" of June 25, 1791.

as to the location of the main town, and pressed on to the top of the next elevation, from which he could see the village nestling in the bottom land beside the Wabash, and the inhabitants embarking in canoes with the evident intention of making good their escape. Lieutenant-Colonel Wilkinson, hastening forward with the first battalion, opened fire upon the fugitives, and, "in two minutes unloaded five canoes crowded with savages."

News now came that Colonel Hardin had made a successful attack upon the settlements to the left, and, encumbered with prisoners though he was, had passed on to a still stronger village beyond. Aid was instantly dispatched to him, but before it could arrive Hardin had carried that town also, and was marching to join the main army, bringing a picturesque array of fifty-two savage captives.[1]

The next morning Wilkinson marched, with a detachment of three hundred and fifty men,[2] against a large settlement on the Eel River, and utterly destroyed it.

By June the fourth the object of the expedition had been fully accomplished, and the whole army started for the fort at the Rapids of the Ohio, where it arrived, ten days later, without the loss of a single man at the enemies' hands,[3] and with only five wounded. They had killed thirty-two warriors, taken fifty-eight prisoners, burned a number of important villages, and destroyed considerable stores. "We sincerely lament," says the writer of the account in the "Kentucky Gazette," "that the weather and the

[1] Butler, 1834 Ed., p. 197, from General Scott's report.

[2] Marshall, 1824 Ed., I, p. 374.

[3] Three of our men were drowned in the White River on their return. "Kentucky Gazette," June 18, 1791.

consequences it produced, rendered it impossible to carry terror and desolation to the head of the Wabash."

The complete success of this expedition, together with the memory of General Harmar's defeat, caused the Kentuckians to look with increased disfavor upon the preparations of General St. Clair, and his call for volunteers secured no response from them. Not a general officer, and scarcely a private, offered his services, one and all openly avowing their preference for such desultory expeditions as Wilkinson had just conducted,[1] and their distrust of the leader whom the Federal administration had appointed. A draft of one thousand Kentuckians was accordingly made,[2] and, in lieu of a general officer from the district, command of this unwilling band was entrusted to Colonel Oldham, under whom, cursing their fate, and ready to desert at the first opportunity, they sullenly proceeded to Fort Washington (now Cincinnati), to join St. Clair's army of two thousand regulars.[3]

Their reluctance and apprehension were not diminished when, on October 1st, they left Fort Washington, and began their march "to attack the most cunning of foes; yet led by a general, wrapped in flannels, unable to stand, lying in a car bolstered with pillows, surrounded with physic, and groaning at every jolt of the wagon."[4] As occasion offered itself, one band after another deserted the army, like rats escaping from a sinking ship, and, when the day of reckoning for St. Clair finally came (November 4, 1791), but two hundred and fifty of the one thousand

[1] Marshall's "Washington," 1850 Ed., II, p. 193.
[2] Butler, 1834 Ed., p. 200.
[3] Marshall, 1824 Ed., I, p. 378; Collins, I, p. 273.
[4] McMaster's "History of the People of the United States," II, p. 68.

drafted Kentuckians remained to receive the commands of their gallant leader, Colonel Oldham.[1]

On November 3d, St. Clair encamped his men upon the banks of a small creek, which he mistook for the St. Mary's River,[2] little suspecting that the enemy was at hand in full force. The few remaining Kentucky militia were advanced a quarter of a mile beyond the creek, while, beyond them still, lay Captain Slough with his company of regulars. The main body of the army had the creek in front, while its "right flank was pretty well secured by the creek, a steep bank and Faulkner's corps; some of the cavalry and their pieces covered the left flank." [3]

"I had determined," writes St. Clair,[4] "to throw up a slight work . . . wherein to have deposited the men's knapsacks, and everything else that was not of absolute necessity . . . but they [the savages] did not permit me . . . on the fourth, about half an hour before sunrise . . . an attack was made upon the militia;[5] those gave way in a very little time and rushed into camp . . . which . . . they threw into considerable disorder."

In explanation of this sudden and unexpected attack, the "Western World" declares [6] that one Sweezy had given the Indians information as to the best point of attack, and

[1] Collins, I, p. 274.

[2] St. Clair's report to the Secretary of War, dated Fort Washington, November 9, 1791. Printed in full in "Kentucky Gazette," March 3 and 10, 1792.

[3] St. Clair's official report. Marshall, 1824 Ed., I, p. 380.

[4] Official report.

[5] The militia now constituted the farthest outpost, as Slough, soon after taking up his advanced position the previous night, had seen so many Indians moving toward the tents, that he had prudently led back his little band into the main camp, and reported his observations to a general officer, who thanked him for his vigilance, but made no use of the information. McMaster, II, p. 45.

[6] This article of the "Western World" is quoted in full in the "Palladium" of August 21, 1806.

broadly hints that Wilkinson was responsible for Sweezy's treachery, being eager for the defeat of the army, in order that "some more experienced officer, (i. e., he, Wilkinson)". may have "an opportunity of signalizing himself."

Perhaps this is libelous, but, if it be true, Wilkinson had reason to be proud of his success, for the wreck of St. Clair's army was pitifully complete.[1] Mad, disorderly panic followed the first gallant resistance of the regulars. No attempt was made either to check the enemy or to cover the retreat of the flying army, each man striving only to escape with his life. The road was soon strewn with loaded muskets, coats, hats and boots, everything which impeded the speed of the fugitives having been cast aside.[2] So great was their haste that, in the sunlight of that short November day, the remains of St. Clair's recently formidable army covered the twenty-nine miles to Fort Jefferson, a march which, in the advance, had occupied ten days.[3]

St. Clair himself, although prostrated by a severe attack of gout, had, at the opening of the battle, directed his attendants to carry him into the field of action, and there had given his orders with a coolness which proved his courage, if not his military wisdom. When it had become evident, however, that he could not stay the panic, he had

[1] "It was long supposed that the leader of the tribes on that terrible day was Little Turtle, a noted chief of the Miamis. But it is now known that they were led to the fight by Thayendanegea, whom the English called Joseph Brant. Many have supposed him to have been a half-breed; some have thought, the son of Sir William Johnson. There can be little doubt, however, that he was a Mohawk, and that his mother bore him on the banks of the Ohio River." McMaster, II, p. 46.

[2] Schouler, I, p. 195.

[3] McMaster, II, p. 46.

made his escape, upon a pack horse which he could neither mount nor dismount without assistance.[1]

This disaster, which was even more overwhelming than that of Harmar,[2] proved conclusively the necessity for more care in the selection of commanding officers for Indian expeditions, a lesson which the Federal Government at last learned, as will appear from the history of the final campaign against the Wabash country some eighteen months later.

[1] Marshall, 1824 Ed., I, p. 383. Of his army, seventy officers and seven hundred soldiers were killed or wounded. In a letter from St. Clair to Major Brown, commander of the militia of Kentucky, written a few days later, he laments the death of the "gallant commander Lieutenant-Colonel Oldham," but attributes the defeat to the desertion and bad conduct of the Kentucky militia, whom Oldham had led. Text of letter in "Kentucky Gazette" for December 10, 1791.

[2] St. Clair himself was exculpated by a committee of the House of Representatives, appointed to inquire into the causes of failure of the expedition. Marshall's "Washington," 1850 Ed., II, p. 223.

CHAPTER VI

ONE PHASE OF THE GENET MISSION

THE fate of the Harmar and the St. Clair expeditions, which had cast a gloom over the last days of conflict for independent statehood, and over the deliberations of the first Constitutional Convention of Kentucky, served also to chill the enthusiasm with which the Kentucky people might otherwise have regarded the approach of the first day of June, 1792, the date fixed for the entrance of Kentucky into the Union. The places left vacant in many a household served as a perpetual reminder that the new Federal Government had, as yet, done nothing to convince the frontiersmen of its superiority over the old Confederacy which it had superseded.

This date being passed, however, and the first elections having been held, the new state officials assembled in Lexington; and, as soon as the preliminary work of organization was completed, and the two Houses ready for business, a joint committee was sent to inform Isaac Shelby, the Governor, that they were ready to receive such communications as he might choose to make.

At noon the next day (June 6, 1792) the Governor, following the custom then observed by the Federal Government, presented himself before the General Assembly of both Houses and delivered his message in person.[1] He then presented a copy of the message to the Speaker

[1] Text of Message, "Kentucky Gazette," June 23, 1792.

of each House, and retired, leaving the Legislature to begin the work of making laws for the new Commonwealth.

Of interest, as showing the value of money in those remote days, is an act for compensating the members of the late Constitutional Convention, which provided that the President should receive the sum of twenty dollars; each member and the sergeant-at-arms, twelve dollars; the clerk, fifty dollars; and the doorkeeper, twelve dollars, "in full for all demands."[1] The real meaning of these figures appears when we catch a glimpse of the extraordinary prices which then prevailed on the Kentucky frontier. Beef sold at two cents a pound; buffalo meat at one and one-half; and venison at one and a quarter. Butter was eight cents a pound, and turkeys fifteen cents apiece. Articles of manufacture were of course relatively high, but most of these were luxuries, enjoyed only by the well-to-do.

While the Legislature was organizing the new State government,[2] alarming stories of Indian depredations were constantly arriving from the frontier. The marauding bands were small, it is true, but so sudden and so secret were their movements that they wrought great destruction with comparatively little loss to their own forces, and so skillfully were their tracks concealed that it was well-nigh impossible to overtake them. Pursuing parties often

[1] Equally astonishing are the salaries of public officials fixed by the Legislature at its session of November, 1793. The Governor's salary was to be $1,000; that of the Judges of the Court of Appeals, $666⅔; that of the Judges of Oyer and Terminer, $100; while the Secretary of State, the Treasurer, the Auditor, and the Attorney-General were each to receive the princely sum of $333⅓. Collins, I, p. 23, and II, p. 182.

[2] The "Kentucky Gazette" for June 30, 1792, gives a list of 34 Acts passed during the first session.

found themselves attacked when they least suspected the presence of the enemy, and frequent and heavy losses resulted from these surprises.[1]

In May, 1792, General Wilkinson, who had taken service in the regular army and was commanding at Fort Washington, despatched Colonel John Hardin and Major Truman upon the dangerous mission of carrying a flag of truce to the hostile tribes of the Northwest. His intention was to persuade the savages to attend a peace conference at the mouth of the Miami River, but it sadly miscarried. Hardin and Truman, messengers of peace though they were, were treacherously murdered by unofficial representatives of the tribes to whom they had been sent.[2]

Faith in the possible effectiveness of peaceful negotiations was thus weakened, even in minds which still cherished the sentiment, then so common in the unexposed, eastern sections of the nation, that the Indian was by nature noble, and inclined to respond to generous treatment.[3] Out of respect for this sentiment, Washington had appointed, during the month of April, 1793, certain commissioners to reopen the question of peace with the hostile tribes, and, much to the disappointment of Kentucky, had forbidden all hostilities against them pending the negotiations.[4] It was now evident, however, that such a plan of procedure was the vainest of delusions, and the commis-

[1] For example, the defeat of Major John Adair on November 6, 1792, at the camp near Fort St. Clair. Marshall, II, p. 41.

[2] These murders, Colonel Marshall ventures to hint, ("Kentucky," II, p. 42), were, perhaps, committed with the connivance of General Wilkinson and the Spanish plotters, who had never completely abandoned their secret intrigues with the servants of his most Catholic Majesty.

[3] Butler, p. 221, comments upon this sentiment, and Smith, pp. 314–317, more elaborately.

[4] Burnet's "Notes on the Northwestern Territory," p. 157.

sioners soon returned, announcing their mission unsuccessful.[1] Nothing remained, therefore, but war.

General Anthony Wayne, "Mad Anthony," as he was commonly called, had been chosen to succeed General St. Clair, in the conduct of the war for the defence of the frontier. Wayne's heroic career during the Revolution had fully proved his daring; but there was still some question as to his military skill and wisdom. Jefferson records that Washington regarded him as, "brave but nothing else," and Washington himself has left a written estimate, describing him, in no very flattering terms, as, "more active and enterprising than judicious and cautious, no economist . . . open to flattery, vain; easily imposed upon and liable to be drawn into scrapes."[2] The appointment had been by no means popular, as public opinion concerning his character corresponded very closely with that of Washington, and the latter felt considerable anxiety lest the new leader should, through his rashness, bring new discredit upon the administration. The English also regarded the appointment with solicitude, but for very different reasons. Knowing Wayne's daring nature, they feared that he might be tempted into an attack upon British posts, and thus bring to a sudden crisis the already strained relations between the two nations.[3]

But the selection of James Wilkinson, as the first of four brigadier-generals[4] to serve in the Northwestern army, was even more astonishing than the appointment of Wayne as Commander-in-chief, for Washington must have

[1] Stillé's, "Major-General Wayne and the Pennsylvania Line," p. 326.
[2] Winsor's "Westward Movement," p. 439.
[3] Ibid., p. 440.
[4] Wilkinson had been made a Brigadier-General in 1792.

recalled his somewhat shadowy career in Kentucky, and, according to Jefferson, spoke of him in cabinet meeting as, "brave, enterprising to excess; but [with] many unapprovable points in his character."

During the months occupied by the organization of Kentucky's new government, the great European conflict known as the French Revolution had been causing much excitement in the Coast States. It will be remembered that the American colonies, when attempting to secure the aid of France in their struggle with the mother-country, had bound themselves to join France in any defensive war against England in which she might later become involved. Now, after fifteen years, the United States was called upon to fulfill this agreement, which she promptly refused to do, urging the very lame excuse, that a treaty made with the King of France did not bind the United States to give aid to the government which had destroyed the French Monarchy.[1] To the leaders responsible for the conduct of American affairs, this appeared the only course open to the United States. Our new Federal Government was not yet in thorough working order, and the land had by no means recovered from the effects of the long and exhausting struggle for independence. To engage in another war under such conditions seemed an act of national suicide. They had even submitted to the open violation of the treaty of peace on the part of England, who still held the Northwestern posts which she had pledged herself to abandon, and they felt themselves fully justified in refusing to rise at the call of France, even at the risk of offending our old allies. On the other hand,

[1] This was one line of argument adopted by Hamilton in the cabinet conference on the subject of neutrality. Cf. Schouler, I, p. 245.

the Federal Government had not yet succeeded in conquering the suspicion with which it was regarded by a large percentage of its citizens, and these, as soon as the neutral attitude of the administration began to show itself, displayed their distrust, in an open and violent French partizanship.

The Kentucky people had, in addition to their natural attachment to France and their implacable hatred of England, another strong reason for desiring to enter the conflict. The Spaniards, who still held Louisiana and refused to grant to the United States the free navigation of the Mississippi River, were allied with England in the war against France; and it was felt that, only by joining with the latter and crushing this dual league, was there any hope of opening up that natural highway, so essential to the prosperity and commercial life of the West.

All over the country were springing up organizations of French sympathizers called "Democratic Clubs," composed of the extreme Anti-Federalists, who demanded alliance with France. They were modeled after the famous Jacobin Clubs of Europe, styled themselves the "patrons and protectors of the people's rights and liberties," and were bitterly opposed to Washington's administration, with regard both to foreign and domestic affairs.

In August, 1793, one of these clubs was organized at Lexington, Kentucky, and among its earliest deliverances was a violent resolution, declaring,—"That the right of people on the waters of the Mississippi, to the navigation, is undoubted; and . . . ought to be peremptorily demanded of Spain, by the Government of the United States." [1] Similar clubs were organized at Georgetown,

[1] Marshall, II, p. 92; Collins, I, p. 23.

Paris, and other places in the State, and they were not backward in announcing their censure, and their contempt for a government, so obtuse to the most pressing needs of its citizens, and so deaf to the calls of duty and honor; to duty, because it had failed to secure the navigation of the Mississippi River; to honor, because it refused to go to war with England, at the call of France.

Meanwhile, Edmund Charles Genet, accredited representative of the new French Republic, had landed at Charleston (April 8, 1793), and had begun enlisting seamen, commissioning officers, and fitting out privateers, to prey upon British commerce. Upon the announcement of Washington's Proclamation of Neutrality (April 22, 1793), he turned his attention to the task of exciting hatred and opposition against the Federal Government, his aim being to enlist the American Nation upon the side of France, whether the Federal authorities liked it or not.

This scheme being speedily frustrated by the vigorous action of the Federal Administration, Genet formed a plan for using a promise of free navigation of the Mississippi River, as a lever by which to move Kentucky and the West, to an attack upon Spanish territory, thus forcing America into a war with Spain, and, in consequence, with Spain's ally, England. He accordingly, in November, 1793, dispatched four French agents, Delpeau, LaChaise, Mathurin, and Gignoux,[1] to Kentucky, to coöperate with Michaux, who was already on the ground, [2] in raising a

[1] McMaster, II, p. 142; Butler, p. 222. Marshall, II, p. 96, gives the names spelled differently.

[2] Michaux's instructions appear in the "Seventh Report of the Historical Manuscripts Commission," p. 221; "Annual Report of American Historical Association," II, 1903. For Jefferson's remarks on his mission to Kentucky, see "Anas" for July 5, 1793.

force to attack the Spanish possessions at New Orleans and along the Mississippi. There was no attempt to make a mystery of this mission. The French agents, having instructions to hold out every inducement for enlisting Kentuckians for the expedition, acted quite in the open from the first, and for a while success seemed assured.

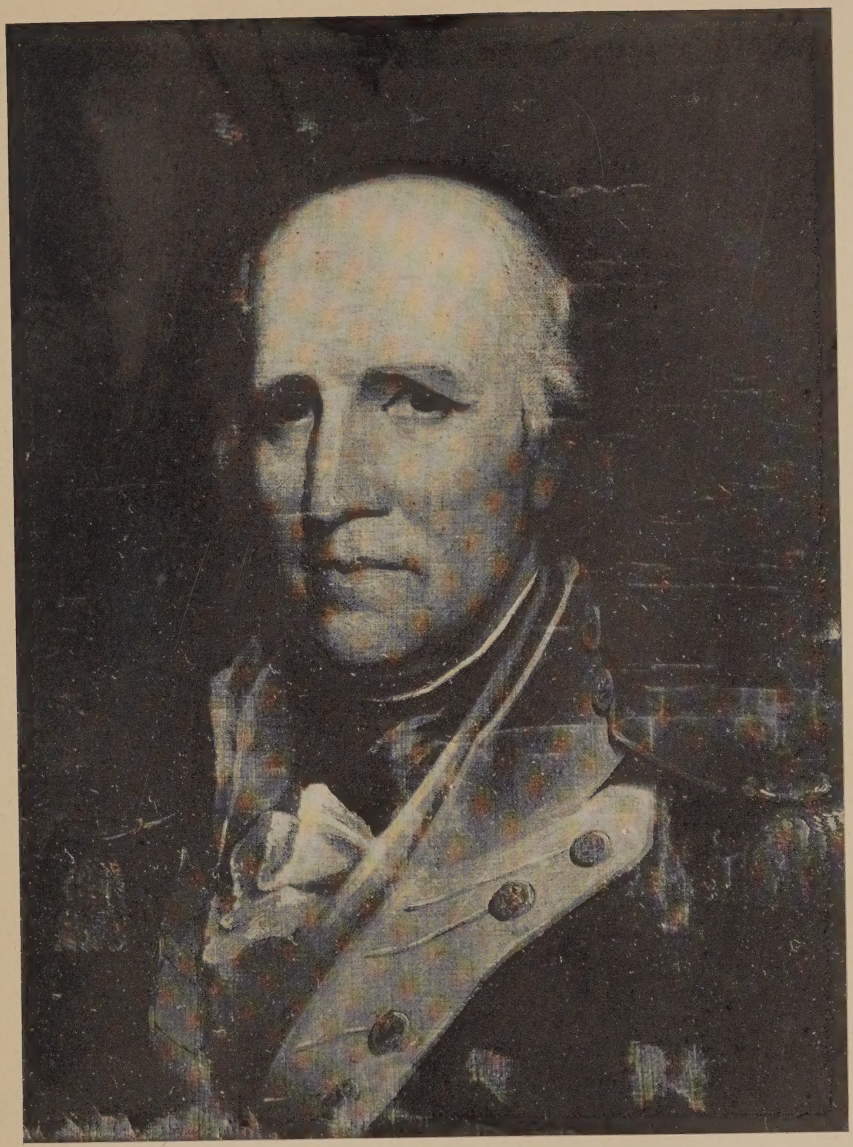
The hero, George Rogers Clark, was easily prevailed upon to accept the high-sounding title of, "Major-General in the armies of France, and Commander-in-Chief of the revolutionary legions on the Mississippi." Indeed, from the Genet correspondence recently published by the Government,[1] it seems probable that Clark suggested the whole scheme, and that Jefferson, the Secretary of State, deliberately encouraged it.[2] In one of his earlier reports to the French Minister of Foreign Affairs, Genet says that, when he first arrived in Philadelphia, to take up the work of his mission, he found a letter from General Clark, offering, "a well conceived plan, and satisfactory details, of the means which he could employ to make the conquest of Louisiana." [3] Jefferson, Genet adds, encouraged the plan, as he was engaged in the attempt to secure from Spain a port of deposit at the mouth of the Mississippi, and thought that such an uprising [4] might hasten matters.

[1] "Correspondence of the French Ministers of the United States, 1791–1797," edited by Frederick J. Turner; "Seventh Report of the Historical Manuscripts Commission;" "Annual Report of American Historical Association," 1903, II, pp. 220–221.

[2] See also Jefferson's "Anas" July 5, 1793, for account of his interview with Genet relative to his schemes for Kentucky and the West.

[3] ". . . un plan bien conçu et des détails satisfaisants sur les moyens dont il peut disposer pour faire la conquête de la Louisiane"; "Seventh Annual Report of the Historical Manuscripts Commission," IV; Correspondence of Genet, p. 221.

[4] "Une petite irruption spontanée des habitants de Kentukey dans la nouvelle Orléans." Ibid.



George Rogers Clark

From a life-size portrait by Matthew Harris Jouett, now in the possession of Colonel Reuben T. Durrett, of Louisville, Kentucky.

Upon receiving his commission, Clark issued, over his own signature, a set of "Proposals for raising volunteers for the reduction of the Spanish posts on the Mississippi, for opening the trade of that river and giving freedom to all its inhabitants," etc. "All persons serving on the expedition," he announced, are "to be entitled to one thousand acres of land. Those that engage for one year will be entitled to two thousand acres—if they serve two years, or during the present war, with France, they will have three thousand acres, of any unappropriated land that may be conquered—the officers in proportion; pay, etc., as other French troops. All lawful plunder to be equally divided according to the custom of war. . . . Those that serve the expedition will have their choice of receiving their land, or one dollar per day." This document was printed in the "Kentucky Gazette" of February 8th, 1794,[1] and Clark's fame, together with these glittering promises, induced many to volunteer for the expedition, little realizing what momentous consequences would result, if it were carried out, and confident that Clark would engage in no enterprise which he believed to be contrary to the best interests of his State and of his country.

Their estimate of Clark's character was probably correct. It is unfair to conclude that, because he undertook to lead such an expedition, he was a traitor. If we assume this attitude, we condemn a large percentage of the American citizens of that day. It was a time of bitter party feeling, so bitter, indeed, that even Washington did not escape charges of disloyalty, and even of personal dishonesty. Genet had turned the Coast States upside

[1] Reprinted from the "Sentinel" of the Northwestern Territory.

down, with his liberty caps and his revolutionary motto. He had felt himself so strong that he had even dared openly to resist the decrees of American law, and to threaten to appeal from Washington to his people, if his demands were not speedily complied with:[1] and Clark, in his willingness to accept a commission under France, stood, if not with the majority, at least among a very respectable minority of his fellow-citizens, and acted upon what he believed to be the best policy for his country.

When Washington learned what Clark and his associates were planning, he at once notified Governor Shelby that he "should take those legal measures which might be necessary to prevent such enterprise,"[2] as negotiations were already under way to gain for Kentucky the navigation which she so much desired; and that any rash act, such as the one now contemplated, would render these negotiations ineffective, as well as expose the participants therein to punishment.

Governor Shelby's reply was to the effect that no such attempt had come to his knowledge, but that he would be particularly attentive to prevent one.[3] Whether Governor Shelby was perfectly open and honest in this statement may be justly questioned. It seems impossible that he could have failed to discover that such an expedition was preparing, and that quite openly, for the "Kentucky Gazette" freely published articles calculated to encourage it and to

[1] In the "Kentucky Gazette" of September 28, 1793, appears a communication signed John Jay and Rufus King, asking that the editor make public their assertion that "Mr. Genet, the French minister, said he would appeal to the people from certain decisions of the President."

[2] Marshall, II, p. 94.

[3] Ibid. Letters quoted.

justify disobedience to the orders of the nation's constituted authorities. It told the people, "that they had too long placed an implicit dependence on the impartiality and virtue of the general government;" which, however, did not at all represent the facts, the desire to trust the Government, in the matter of the navigation of the Mississippi, never having been very apparent in Kentucky or the West. The Secretary of State had written (November 6, 1793), telling him of the departure from Philadelphia, of the four French agents whose duty it was to serve France by inciting the western settlers to defy the orders of their own government, and requesting that Governor Shelby would prevent their carrying out their designs within the State of Kentucky. Next, the Secretary of War had empowered him, in the name of the President, to use military force if necessary, to prevent the contemplated breach of neutrality; at the same time pledging the United States for payment of all expense incurred in so doing. The Governor of the Northwest Territory had sent a similar warning; [1] but all alike had been disregarded.

General Wayne, however, having received full information of what was transpiring in Kentucky, acted with promptness and decision, thus forcing Governor Shelby to declare his position. On January 6th, 1794, he wrote to Shelby, enclosing a letter to the commander of the United States Cavalry, stationed near Lexington, directing him to give assistance in suppressing the expedition, in case Governor Shelby should request it. He also enclosed a letter which he had received the previous month from Governor St. Clair, stating the general nature of the plans of "certain Frenchmen," and declaring that he had duly

[1] Collins, I, p. 278.

informed Governor Shelby of them.[1] In addition General Wayne wrote, "should the force now offered be deemed insufficient, or should more be wanted, it shall not be withheld upon this interesting occasion, notwithstanding our proximity to the combined force of the hostile Indians."

One week later Governor Shelby made plain his attitude toward the matter, in a letter to the Secretary of State. "I have," he declared, "great doubts even if they attempt to carry this plan into execution (provided they manage the business with prudence), whether there is any legal authority to restrain or to punish them, at least before they have actually accomplished it." "If," he argues, "it is lawful for any one citizen of this State to leave it, it is equally so for any number of them to do it. It is also lawful for them to carry with them any quantity of provisions, arms and ammunition. . . . If the act is lawful in itself there is nothing but the particular intention . . . that can possibly make it unlawful,—but I know of no law which inflicts a punishment on intention only . . . ." [2] Then, in ardent language, he declined to stretch his constitutional powers, in order to oppose the plans and wishes of his friends, against an enemy and a tyrant, "a prince who openly withholds from us an invaluable right, and who secretly instigates against us a most savage and cruel enemy."

This letter convinced the President that the Governor of Kentucky was not likely to take any steps toward preventing the contemplated breach of the peace with Spain. He therefore wisely took the matter into his own hands

[1] Texts of these three letters given in Marshall, II, pp. 102–103.

[2] Marshall, II, pp. 105–106 for text.

and (March 24, 1794), issued a proclamation [1] declaring: "Whereas I have received information that certain persons in violation of the laws, have presumed, under color of a foreign authority, to enlist citizens of the United States and others within the State of Kentucky, and have there assembled an armed force for the purpose of invading and plundering the territory of a nation at peace with the said United States, . . . I have therefore thought proper to issue this proclamation, hereby solemnly warning every person not authorized by the laws, against enlisting any citizen or citizens of the United States, or levying troops or assembling any persons within the United States for the purpose aforesaid, or proceeding in any manner to the execution thereof, as they will answer the same at their peril."

Similar wholesome advice having been given to those contemplating enlistment, "for such unlawful purposes," Washington directed General Wayne to "establish a strong military post at Fort Massac on the Ohio, and prevent by force, if necessary, the descent of any hostile party down that river."

In the meantime Genet's recall [2] had been diplomatically requested, and a sudden change in French affairs had thrown his friends, the Girondists, out of power, leaving him without support. Knowing that the fiends, who had succeeded to the leadership in France, had disavowed his acts, and would probably behead him if he should return, Genet wisely withdrew from public life, and, having married the daughter of Governor Clinton of New York, settled down to a life of ease and comfort.

[1] Durrett MSS.

[2] His successor, Fauchet, appeared in February, 1794.

Little was heard of him until his death, in 1836, when people were interested to look back through happy years of peace, and recall the stormy days of the neutrality conflict of 1793.

The prompt and vigorous action of the President and the fall of Genet, the genius of the whole mad movement, completely wrecked the hopes of Clark and his followers. The "Revolutionary legions on the Mississippi River" were quickly disbanded, and citizen La Chaise announced to the Lexington Democratic Society that, "Causes unforeseen had put a stop to the march of two thousand brave Kentuckians, who were about to go and put an end to the Spanish despotism on the Mississippi; where Frenchmen and Kentuckians, united under the banner of France, might have made one nation, the happiest in the world, so perfect was their sympathy." [1]

While the foreign relations of Kentucky, as being a byplay of the foreign relations of the United States, were thus creating great excitement, her domestic affairs were arousing almost equal interest. Chief among the latter, was still the question of General Wayne and the savage tribes of the Northwest. Rumors had become current, at the opening of the new year, that the Indians would make peace, and that a campaign would be unnecessary. This idea was by no means popular in Kentucky, where the people were anxious for an opportunity to avenge the injuries already received; while those who wished to plunge the United States into war with England, saw, in this expedition, a chance to accomplish their ends. Still others hoped by it to discountenance the use of regular troops, in case the expedition should turn out disastrously,

[1] Marshall, II, p. 120.

to say nothing of another defeat to lay to the credit of an administration, which a large part of the Kentucky people regarded with undisguised hatred.

All idea of a bloodless peace was, however, soon dispelled by the reappearance, in various parts of the State, of parties of Indians, stealing horses, killing travelers, and burning cabins. The State authorities could offer little resistance, nor did the activity of individual citizens accomplish much of a decisive character, and speculation was rife as to how General Wayne would use the authority given him by the Federal Government. The question was soon answered. Wayne called for volunteers from Kentucky, and sixteen hundred men, under the command of General Charles Scott, at once marched to join his army, already consisting of about that number.

The British authorities in Canada were alarmed at the news of Wayne's preparations, as it was rumored that he was not averse to the idea of paying a hostile visit to some of their posts within the limits of American territory.[1] This was indeed true, and for the best of reasons. From prisoners taken during the spring, Wayne had learned that the British commanders were giving the Indians every possible aid and encouragement, short of actual participation in their expeditions, and he was inclined to doubt whether they refused even that assistance. He knew that Simcoe, acting under orders from Lord Dorchester, had recently constructed a new fort at the rapids of the Miami, and that Dorchester himself had, early in April, 1794, openly predicted war between the United States and England, before the close of the year.[2] In view of this

[1] Winsor's "Westward Movement," p. 453.
[2] Schouler, I, p. 276.

advance, into what was confessedly American territory, Secretary Knox had instructed Wayne: "If, in the course of your operations against the Indian enemy, it should become necessary to dislodge the party (the English garrison at the rapids of the Miami), you are hereby authorized, in the name of the President of the United States, to do it." [1]

Thus was Wayne, the "Mad Anthony" of former years, given discretionary power which placed in his hands the choice of peace or war with England; for had he ventured to attack the fort at the Miami rapids, in all probability Jay's treaty would never have been signed, and our second war with England would have taken place as early as 1794.

On the twenty-sixth of July, General Scott and his detachment of Kentucky volunteers entered Wayne's camp at Fort Greeneville,[2] and, two days later, the army took an obscure path toward Fort Recovery. Wayne's plan was to hasten on from the latter point to the mouth of the St. Mary's River, and to surprise the important Indian villages clustered there; but his efforts were abortive. A worthless Kentucky volunteer, named Newman, deserted, and revealed the plans to the Indians, who were thus enabled to leave their villages before Wayne's arrival,[3] and to retire to a point at the foot of the rapids of the Miami, under the very guns of the new British fort.

Wayne therefore pushed on up the river, to the mouth of the Au Glaize, where he constructed a fort, called very appropriately Fort Defiance,[4] on account of its proximity

[1] Stillé's "Major-General Wayne and the Pennsylvania Line," p. 329.

[2] Marshall, II, p. 136; Collins, I, p. 24.

[3] Burnet's "Notes on the Northwestern Territory," p. 169.

[4] The fort was constructed August 9, 1794. For plan of fortifications see Winsor's "Narrative and Critical History," VII, p. 452.

to the British fort at the Rapids. From this point he sent his final overtures of peace to the savages, who agreed to treat, in case Wayne would promise to remain where he was for ten days. As their object was evidently to gain time for gathering their allies together, and as Miller, who bore Wayne's proposals of peace, declared that the savages were already tricked out in full war regalia, Wayne resumed his march toward the British fort. The distrust which had marked his appointment as Major General had now completely disappeared, and the army, regulars and volunteers alike, felt the security and confidence which comes from the knowledge that its commander is both competent and watchful.

On August 19th the army halted to construct a temporary post for the reception of the stores and extra baggage;[1] and the next morning at eight o'clock resumed the advance, one brigade of Kentucky volunteers on the left under Brigadier General Todd; and the other in the rear under Brigadier General Barbee. A select battalion of the Kentucky volunteers, commanded by Major Price, moved in front of "the Legion," so as to give timely notice to form in case of action," [2] as it was as yet uncertain whether the Indians would decide for peace or war.

They had advanced thus about five miles when Major Price's battalion suddenly received a severe fire from the enemy, "posted in a thick brushwood encumbered with fallen timber, the effect of a hurricane." [3] Price instantly ordered a retreat, which was made with such precipitation as to carry the front guard of "the Legion" with it.

[1] Burnet's "Notes on the Northwestern Territory," p. 172.

[2] General Wayne's report to the Secretary of War. Stillé's "Major-General Wayne and the Pennsylvania Line," pp. 331–334 for full text.

[3] Samuel L. Metcalf's "Indian Wars of the West," p. 158.

These in turn rushed into Captain Lewis' company of light infantry on the left, and threw them into confusion. It began to look as if the terror of the hidden savages had put an end, in a moment, to all confidence and discipline; but Captain Lewis rallied his men, after a retreat of forty yards, and advanced to the side of the right, which had stood its ground. Captain Springer's battalion of riflemen joined them, and the charge was sounded,[1] "the Legion" advancing in two lines, formed principally in the region of the fallen timbers, which extended for miles on Wayne's left. "I soon discovered," wrote Wayne, in his official report,[2] "from the weight of the fire and the extent of their line, that the enemy were in full force in front, in possession of their favorite ground, and endeavoring to turn our left flank. I therefore gave orders for the second line to advance to support the first, and directed Major-General Scott to gain and turn the right flank of the savages with the whole of the mounted volunteers."

While the Kentucky troops were using every exertion to accomplish this maneuver, "the Legion" advanced "with trailed arms," roused the savages from their coverts at the point of the bayonet, and drove them in utter rout. Ere the mounted volunteers reached the point assigned to them, the day was won, and the enemy "dispersed with terror and dismay, leaving our victorious army in full and quiet possession of the field of battle, which terminated under the influence of the guns of the British garrison."

In signaling out the heroes of this battle of Fallen Tim-

[1] "A Journal of General Wayne's Campaign." Durrett MSS., unpublished. It gives a list of the daily occurrences, and is unsigned.

[2] Stillé's "Major-General Wayne," p. 332, for text.

bers, as history has learned to call it, Wayne, in his official report[1] gives the first place to "Brigadier-General Wilkinson . . . whose brave example inspired the troops." Of the Kentucky volunteers he writes, "I never discovered more true spirit and anxiety for action than appeared to pervade the whole of the mounted volunteers, and I am well persuaded that, had the enemy maintained their favorite ground for one-half hour longer, they would have most severely felt the prowess of that corps."

The Indians, thus disposed of, Wayne proceeded to reconnoiter the British fort, suspecting that it might have offered shelter to some of the refugees; but found no sign of any attempt to offer them succor.[2] There was abundant evidence, however, that the British had not only furnished the savages with ammunition, but had actually served with them in the battle.[3] This close inspection angered the British commander, Major Campbell, who dispatched a curt note to Wayne declaring that he was "surprised to see an American army so far advanced in this country,"[4] and demanding to know how they had the assurance to encamp under the mouths of his Majesty's

[1] Wayne places the number of the enemy at about 2,000 and the number of his own troops actually engaged at about 900. The "Anonymous Journal" of the expedition (Durrett MSS.) gives the number of the enemy as about 1,500, "one-third of which are supposed to be Canadians."

[2] Winsor's "Westward Movement," p. 458; Burnet's "Notes on the Northwestern Territory," p. 176.

[3] "The loss of the enemy was more than double that of the Federal army. The woods were strewed for a considerable distance with the dead bodies of the Indians and their white auxiliaries, the latter armed with British muskets and bayonets." Wayne's "Official Report"; Stillé's "Wayne," p. 333; see Burnet's "Notes on the Northwestern Territory," pp. 179–182 (note), for evidence elicited from prisoners taken by Wayne before and after the battle, relative to the extent of the British aid, etc.

[4] "Journal of General Wayne's Campaign;" Durrett MSS.

cannon. To which Wayne replied [1] with spirit, "that the affair of yesterday might well inform him why this army was encamped in its present position, and had the flying savages taken shelter under the walls of the fort, his Majesty's cannons should not have protected them." He then, in his turn, inquired why the British fort had been erected upon territory recognized as American property, and demanded its surrender. Campbell declined to comply, without orders from his superiors; but gave warning that, if the insults to the British flag continued, and the Americans came within range of his guns, he would fire upon them. Both commanders, however, recognized the fact that an attack from either side would mean the instant breaking off of negotiations between the two nations, followed, probably, by the speedy declaration of war; and so they managed to keep the peace, in spite of the Kentucky volunteers, who showed their hatred of the British by firing their rifles within range of the fort, though not venturing to turn them against it.[2]

For three days and nights, Wayne's army remained "on the banks of the Miami in front of the field of battle; during which time all the houses and cornfields were consumed and destroyed for a considerable distance, both above and below Fort Miami, as well as within pistol shot of that garrison, who were compelled to remain tacit spectators of this general devastation and conflagration." [3]

[1] The correspondence is quoted in Burnet's "Notes on the Northwestern Territory," pp. 176–179, five letters being reproduced in full.

[2] "Journal of General Wayne's Campaign;" Durrett MSS.

[3] Wayne's "Official Report;" Stillé's "Major-General Wayne and the Pennsylvania Line," p. 334. "We have destroyed all the property within 100 yards of the Garrison. The volunteers were sent down eight miles below the fort and have destroyed and burnt all the possessions belonging to the Canadians and

They then retired to Fort Defiance where, apparently, military discipline was temporarily relaxed, in order to allow a celebration in honor of the victory, as an anonymous journal [1] of the campaign has this interesting entry for August 27th:

"The quartermaster-General will issue one gill of whiskey to every man belonging to the Federal Army (this morning), as a small compensation for the fatigues they have undergone for several days past. . . ."

Wayne supposed that another engagement would be necessary before the Indians could be brought to the point of signing a treaty, and so, after spending some time in strengthening the defences at Fort Defiance, he proceeded up the River Miami to the mouth of the St. Mary's, where he arrived on September 17th. Here he began the construction of a fort, to be called Fort Wayne, the volunteers consenting to work on it only upon condition of receiving "three gills of whiskey per man per day," [2] the result of which unmilitary bargain appears in the entry for the next day (October 7th): "The Volunteers are soon tired of work, and have refused to labor any longer; they have stolen and killed 17 beeves in the course of these two days past."

Such being the conduct of the mounted volunteers, it does not astonish us to learn that, when news came, a few days later, that Girty and McKee, Brandt, Little Turtle, Simcoe, and other leading counsellors of the Northwestern tribes,[3] were gathering at the mouth of the Detroit River, eager to begin negotiations for peace, Wayne ordered "the

savages." Entry of August 22, 1794, in a "Journal of General Wayne's Campaign;" Durrett MSS.

[1] "A Journal of General Wayne's Campaign;" Durrett MSS.

[2] Ibid.

[3] Burnet's "Notes on the Northwestern Territory," p. 183.

mounted volunteers of Kentucky marched off for Greeneville, to be mustered and dismissed . . . there being no further service" for them.[1]

On October 15th, they returned to their homes, flushed with the glory of a successful campaign, and fully convinced that regulars were not so bad a source of defence for the frontier as they had supposed.

General Wayne and his regulars retired to Fort Greeneville for the winter, and entered upon the long and tedious negotiations which finally resulted in the treaty of that name[2] (August 3, 1795), by which the Northwestern tribes surrendered all claims south of the Ohio River.[3]

[1] "Journal of General Wayne's Campaign;" Durrett MSS.

[2] Full details of the negotiations, Burnet's "Notes on the Northwestern Territory," Chs. 10–12.

[3] Butler, p. 239.

CHAPTER VII

CONFLICTS OVER THE COMMERCIAL HIGHWAY OF THE WEST

THE anti-federal sentiment in Kentucky, which had been pronounced from the first, had, as we have seen, been measurably weakened by the successful termination of Wayne's expedition against the Indian country, as that expedition had shown not only the good intention, but the admirable efficiency, of the new government. Two serious obstacles, however, still stood in the way of the creation of a strong and loyal feeling for the central government. As long as the British were allowed to keep possession of the military posts in the Northwest, and as long as Spain was permitted to impede the progress of the West, by interfering with the free use of the Mississippi River, so long might the Federal Government expect unstinted abuse from the Kentucky people. She might achieve limitless glory and success, in other directions, but these were the questions which concerned the daily life and present safety of Kentucky, and Kentucky's estimate of the government depended, in the last analysis, upon her solution of them. The satisfactory adjustment of these questions was, indeed, a pretty fair test of the government's efficiency, for England was not inclined to treat her treaty obligations with any great consideration, being well aware that the United States had also failed to carry out certain, not less important, features of the treaty. Spain also felt that she had been unfairly dealt with, as

England and the United States had agreed upon a secret clause in the treaty, providing that the Yazoo Creek should be the Northern boundary of West Florida, in case England should succeed in holding it, but the thirty-first parallel in case West Florida should go to Spain.[1] His Catholic Majesty was, therefore, in no mood to grant concessions to the new republic, more especially as he still hoped to use his control over the Mississippi River as a lever to cut off the western settlements from the Union, and to annex them to his own vast dominions in America.

Of these two matters, the question of the free navigation of the Mississippi was of much the greater importance to Kentucky, especially after Wayne's victory had checked the Indian hostilities along her borders. The fact, therefore, that the Federal Government found it necessary to arrange affairs with England first, was exceedingly distasteful to the Kentuckians. They felt that a war against Great Britain would open to them the opportunity of forcibly assuming control of the Mississippi; while a war with France, which seemed the alternative, had not this attraction. The enthusiasm with which Genet's agents had been received in the western country, the organization of the Democratic clubs, and the creation of George Rogers Clark's "Revolutionary Legions on the Mississippi," had all indicated this feeling. There were few of the more reputable sort, it is true, who had been willing to go the length of entirely supporting Genet; but his actions had been disavowed by France, and, under the wise management of his successor, Fauchet, French enthusiasm had reawakened, and, with it, an intensified hatred of the British.

[1] Fiske's "Critical Period of American History," pp. 33, 208.

Under these conditions, the wise policy for England would have been to conciliate America, but England has never known much about conciliation. As she saw the enthusiasm for France reasserting itself throughout the States, her natural conclusion was that these two countries were preparing to form another alliance against her, and, as if to show how little she cared for such an alliance, she at once began a course of aggression against our commerce, which daily added strength to the French party in America, and soon brought us to a point where a declaration of war against her seemed almost inevitable. This prospect was most pleasing to the people of Kentucky. Their consternation and anger were, therefore, intense, when news came that Washington had determined, if possible, to avert the war, by sending an envoy to England, for the purpose of attempting to negotiate a treaty; and this anger was heightened into rage, when the name of the envoy was made known.

Chief Justice John Jay was regarded by Kentuckians as an arch conspirator against the interest of the western country. They had never forgotten the proposition, made by him in the summer of 1785, to concede to Spain, for a period of twenty-five years,[1] the control of the Mississippi River, in return for certain commercial concessions which would have benefited the Eastern States alone, and his appointment was regarded in Kentucky as a direct, and deliberate insult from the Federal Government. On May 24, 1794, before Jay was halfway across the Atlantic, a large

[1] The object of this, wrote Monroe to Governor Henry of Virginia, "is to break up the settlements on the western waters . . . so as to throw the weight of the population eastward and keep it there, to appreciate the vacant lands in New York and Massachusetts," (Quoted in Dixon's "Missouri Compromise and its Repeal," p. 38).

public meeting was held at Lexington, representing various parts of the State, and bent upon expressing the indignation of the Commonwealth. After an impassioned discussion, a set of resolutions was drawn up and delivered to the "Kentucky Gazette" for publication.[1]

Going straight to the point upon which the greatest interest was felt, these resolutions read as though Jay had been sent out with the express purpose of resigning all claims to the control of the Mississippi. They declare, in the first section,

"That the inhabitants West of the Appalachian Mountains are entitled by nature and by stipulation to the free and undisturbed navigation of the River Mississippi.

"That we have a right to expect and demand that Spain should be compelled immediately to acknowledge our right, or that an end be put to all negotiations on that subject.

"That the injuries and insults done and offered by Great Britain to America call loudly for redress, and that we will to the utmost of our abilities support the General Government in any attempt to obtain redress.

"That the recent appointment of the *enemy* of the Western Country to negotiate with that nation, and the tame submission of the General Government when we alone were injured by Great Britain, make it highly necessary that we should at this time state our just demands to the President and Congress." [2]

The same number of the "Gazette" reports, with evident satisfaction, certain overt insults offered to the envoy

[1] Full text of the Resolutions in "Kentucky Gazette," May 31, 1794.

[2] For an impassioned statement of the causes of this hatred of Jay in Kentucky Cf. "Kentucky Gazette," January 25, 1794; also February 8, 1794. See also Littell's "Political Transactions," Ch. IV.

in Lexington, beginning the account with the following poetic effusion:

> "Suppose you had a wound and one had show'd
> An herb which you apply'd but found no good,
> Would you grow fond of this, increase your pain
> And use the poisonous medicine again?

"The late appointment of John Jay as envoy extraordinary to the Court of London, brought so strongly to the recollection of the people of this country his former iniquitous attempt to barter away their most valuable right, that they could not refrain from openly testifying their abhorrence of the man whose appointment at this critical period of their affairs they consider as tragically ominous. Although they have not forgotten, nor even faintly remembered, his former act of treason against them, yet they hoped from the office he filled, he was in as harmless a situation as he could be placed, and that no effort of power or policy could drag him forward so long as he held this office,[1] and set him once more to chaffering with our rights. With these impressions, a number of respectable citizens of this place and its vicinity, on Saturday last (May 14), ordered a likeness of this evil genius of Western America to be [made] which was soon well executed. At the appointed hour he was ushered forth from a barber's shop, amidst the shouts of the people, dressed in a courtly manner, and placed erect on the platform of the pillory. In his right hand he held uplifted, a rod of iron. In his left he held extended Swift's late speech in

[1] This expression indicates how little importance was attached to the office of Chief Justice of the United States, before the days of John Marshall, "the Great Chief Justice."

Congress on the subject of British depredation. On one side of which was written:

'*Nemo repente fuit turpissimus.*'—Juv., 'Sat.,' 2, V, p. 33.

'No man e'er reached the heights of vice at first.'

"And on the other:

'*Non deficit alter.*'—Virg., 'Æn.,' 6.

'A second is not wanting.'

"About his neck was suspended by a hempen string, 'Adam's defence of the American Constitution'; on the cover of which was written:

'*Scribere jussit aurum.*'—Ov., 'Ep.'

'Gold bade me write.'

"After exhibiting him in this condition for some time, he was ordered to be guillotined, which was soon dexterously executed, and a flame instantly applied to him, which, finding its way to a quantity of powder which was lodged in his body, produced such an explosion that after it there was scarcely to be found a particle of the disjecti membra Plenipo."[1]

These are but examples of the insults which were heaped upon the name of the noble envoy, by the people of Kentucky, even before he had reached the scene of his diplomatic mission. They had not waited to discover what sort of a treaty he would propose; it was enough for them to know that, if the mission should prove successful, a French alliance and a war against England would be averted. They did not stop to consider that one point, which Jay's instructions required of him, was to secure the surrender of the Northwest posts; their sole idea being that, as the enemy of the West, he could be depended upon to negotiate a treaty which would injure them.

[1] "Kentucky Gazette," May 31, 1794.

Meanwhile Jay was exerting all his faculties to secure the utmost concessions from England. His success, though not perfect, satisfied Washington and the friends of the administration, and the Senate, after making a few changes which England at once accepted, ratified the treaty. Washington had carefully withheld its contents from the public, having heard rumors that the British ministry had renewed its irritating aggressions upon our commerce, even while the treaty was in process of ratification; but the misguided zeal of a Southern Senator made public the text.[1] It was printed, in pamphlet form, by Benjamin Franklin Bache, editor of the "Aurora," and was at once copied by the newspapers and spread broadcast over the country. Then the attacks, which had been based upon its probable contents, began in earnest, upon its actual provisions.

The "Kentucky Gazette" of August 1, 1795, contained the full text of the treaty; and when it became known that Humphrey Marshall, one of Kentucky's Senators, had dared to vote for its ratification, his action was regarded, among his constituency, as a gross violation of duty, and an attempt was made, at the succeeding session of the Kentucky Legislature, to instruct him by name to oppose it, should it again come before the Senate. This instruction was, after some discussion, made slightly less insulting by declaring that both the Kentucky Senators should oppose the treaty at any subsequent opportunity. However, as Mr. Marshall writes in his History, the acceptance by England of the amendments which the Senate had proposed in the treaty, made it unnecessary for the Senate again to act upon it, which fact, he curtly explains,[2] "saved

[1] Schouler, I, p. 295; McMaster, II, p. 216.

[2] "History of Kentucky," II, p. 172.

the erratic Senator from another offence:[1] . . . for certain it is, that with the impressions, under the influence of which he acted, he would have disobeyed the instructions."[2]

Marshall's stand was one which required the utmost courage. He stood alone among his fellow-Kentuckians of prominence, "the only advocate in this State," as a hostile antagonist declared, "of that most infamous production."[3] And yet he was right, and his numerous antagonists wrong. It would be hard to find a serious student of our history, at the present day, who would deny that Jay's Treaty, though by no means perfect, was the best which could have been hoped for, and was, moreover, of great advantage to the country at large, and to Kentucky in particular. In the first place, it enabled the government honorably to avoid a war with Great Britain, which would have brought about the renewed organization of the hostile Indian tribes, for massacre and plunder along the Kentucky frontier: and secondly, it provided for the removal, although the too leisurely removal, of British "troops and garrisons, from all posts and places within the boundary lines assigned by the treaty of peace to the United States," including, of course, those ancient sources of Kentucky's

[1] Marshall's views on the treaty are fully set forth in a series of articles published in the "Kentucky Gazette," beginning in September, 1795, and running well into the next year. These articles, with the replies called forth by them, constitute the most elaborate debate which had yet appeared in the newspapers of the commonwealth. They show how deeply interested, in the details of this treaty, were the inhabitants of the Western country.

[2] "Kentucky Gazette," October 3, 1795, contains the resolutions of a Mercer County mass meeting, declaring that Marshall had, "betrayed the trust reposed in him by voting for the conditional ratification of the treaty," and suggesting that the Legislature instruct the Kentucky members of Congress to propose an amendment to the Federal Constitution, making it lawful for two-thirds of a State Senate to recall the United States Senators at any time.

[3] "Kentucky Gazette," October 10, 1795.

misery, the Northwest posts. June, 1796, was assigned as the date, on or before which these removals should take place, and it represented the greatest concession that England could be induced to grant on this long disputed question.

The outcry against the treaty, even after its approval by the Senate, was fierce in the strongly Democratic regions of Kentucky. A meeting of free citizens of Clark County ventured to send a petition and remonstrance to the President, with the hope of helping to prevent his signing it. "Should you, sir!" ran the petition, "concur with the Senate in the signature of that treaty, our prognostication is, that Western America is gone forever . . . lost to the Union, and grasped by the voracious clutches of that insatiable and iniquitous George, the Third, of Britain."[1] In the "Political Creed of a Western American,"[2] reappears the tendency, before manifested, to insult everyone who showed any disposition to favor the treaty. "I believe," it reads, "that the treaty formed by Jay and the British King, is the offspring of a vile aristocratic few, who are enemies to the equality of man, friends to no government, but that whose funds they can convert to their private emolument. . . . I believe that the political dotage of our good old American Chief has arrived; . . . I do sincerely believe (from a knowledge of the man), that the Senator from Kentucky, who voted in favor of the treaty, was actuated by motives the most dishonorable . . . that he is a stranger to virtue, either private or public, and that he would sell his country for a price, easily to be told.

"I do also believe that Kentucky has as little reason to

[1] "Kentucky Gazette," September 19, 1795.
[2] Ibid., September 26, 1795.

complain on this important occasion, as any of her sister States; as she had a perfect knowledge of the character of the man she delegated to represent her, knew that he possessed a soul incapable of good, and sentiments opposed . . . to her interest." [1]

Washington, meanwhile, having satisfied himself that the alarming rumors which had caused him to hesitate, were false, signed the treaty, [2] which thus became the law of the land.

But even now the opposition could not submit, and a daring plan was formed to nullify the treaty in the national House of Representatives, by declining to appropriate the money necessary to carry out its provisions. This plan was happily defeated, largely through a masterly speech of Fisher Ames, made before the Committee of the Whole, which ranks as one of America's greatest forensic and oratorical triumphs.[3]

In his next message to the Kentucky Legislature, Governor Shelby proceeded to show that he, at least, did not even yet consider the incident closed.

"I should not discharge the duty I owe my country," he said, ". . . if I did not call your attention to the treaty lately concluded between America and Great Britain. If this treaty contained stipulations which were only contrary to good policy, although it would be the undoubted right of the State Legislatures to express their opinions of those stipulations, it might be a matter of doubt whether

[1] A systematic defence of the treaty, article by article, was made in the "Kentucky Gazette" of October, 1795, but people were swayed by emotions and did not readily listen to reason.

[2] For the documents relating to the ratification, see "Kentucky Gazette," March 26, 1796.

[3] "Works of Fisher Ames," II, pp. 37–71.

it would be expedient for them to do so. But as many stipulations contained in this treaty are evidently contrary to the Constitution of the General Government, I consider it as the indispensable duty of the State Legislatures to express their sentiments upon such parts of the treaty as are unconstitutional, with the firmness and decency becoming the representatives of freemen. If you view this important question in the same light as I do, I have no doubt but that you will act upon it in such a manner as will do honor to yourselves and our constituents." [1]

This somewhat radical recommendation, looking unmistakably in the direction of nullification of a fundamental federal law, was fortunately neglected by the Legislature, and, as the time fixed by the treaty for the evacuation of the Northwest posts approached, the Kentucky people began to realize that at last the Federal Government had adjusted one of their burdens, and to feel that Jay's treaty was perhaps not wholly bad after all.

On May 10, 1796, Secretary of War McHenry arranged with Dorchester for the transfer of the long disputed forts, and, a few days later, orders were issued to the British commanders to evacuate them.[2] Thus, at last, the government relieved the Kentucky people of the most persistent abetters of their savage enemy, and, before the outcry against the great patriots, Jay and Washington, had fairly died away, Kentucky had begun to enjoy the blessings of the lasting peace, caused by Jay's treaty.

Meanwhile, the Federal Government had turned its attention to the other great need of her Western citizens,

[1] "Kentucky Gazette," November 28, 1795.

[2] Winsor's "Westward Movement," p. 482.

the navigation of the Mississippi River. From the days of the first settlements in Kentucky, this question had been regarded as vital to progress, and almost essential to existence upon the Western frontier, and out of it had sprung those foreign intrigues which darken the pages of Kentucky's early history. It was this question which led Wilkinson into his first aberration from the duty which he owed his adopted home in the West, and which induced Clark and his followers to lend their influence to Genet's schemes for forcing America to join France against the British-Spanish Alliance. The interference of the Federal Government, upon that occasion, had been productive of much unpatriotic language in the West, and men had settled down to endure the tyranny of Spanish laws over their commerce, with anything but contented spirits.

What those Spanish laws, in restraint of Kentucky commerce, were, is briefly indicated by the newspaper articles of the day, of which the following extract[1] is an example. "How long will America submit to the operation of paying a heavy, degrading tribute to a Spanish officer, for a license (in his power ever to deny) to proceed to sea with their vessels and produce, and under restrictions of making such vessels Spanish bottoms. . . . ? If they wish to export their produce they must not only make use of the most humble solicitations, but they are compelled besides to pay a very high duty for the permission of sailing out of the Mississippi under the colors of a foreign nation at war with our allies. How degrading such restrictions! How humiliating to an American!

"It is easy to foresee what will be the consequences, if a treaty be not soon, and very soon, negotiated with

[1] From the "Kentucky Gazette," October 12, 1793.

Spain . . . QUOSQUE TANDEM, HISPANIA, ABUTERIS PATIENTIA NOSTRA?"

In the same issue of the "Gazette" appears a spirited resolution of the Lexington Democratic Society:

"Resolved, that the free and undisturbed use and navigation of the River Miss. is the NATURAL RIGHT of the Citizens of this Commonwealth; and is inalienable except with the soil; and that neither time, tyranny nor prescription on the one side, nor acquiescence, weakness or non-use on the other can ever sanctify the abuse of this right." [1]

A few weeks later the same Democratic Society published its view of the steps to be taken, under the circumstances then existing: "It will be proper to make an attempt in a peaceable manner to go with an American bottom properly registered and cleared into the sea through the channel of this Mississippi, that we may either procure an immediate acknowledgment of our right from the Spaniards; or, if they obstruct us in the enjoyment of that right, that we may be able to lay before the Federal Government such unequivocal proofs of their having done so, that they will be compelled to say whether they will abandon or protect the inhabitants of the Western country." [2] Whether this suggestion was actually carried out, we do not know, but the agitation continued, and the Federal Government was besieged by demands that she do for the West what she had prevented their doing for themselves; and, when no immediate response was returned, the Kentucky Legislature proceeded (on December 20, 1794), to instruct her representatives in the United States Senate,

[1] Passed October 7, 1793. "Kentucky Gazette," October 12, 1793.
[2] "Kentucky Gazette," November 11, 1793.

"to require information of the steps which have been taken to obtain the navigation of the Mississippi, and to transmit such information to the Executive of this State." [1]

It then appeared that the Federal Government had (November 24, 1794) commissioned Thomas Pinckney as envoy to Madrid, with instructions to negotiate a treaty securing the free navigation of the Mississippi,[2] and when even this news did not silence the outcry from Kentucky, the United States Senate took the unusual course of passing a resolution providing:

"That the President of the United States be, and he hereby is, requested to cause to be communicated to the Executive of the State of Kentucky, such part of the existing negotiation between the United States and Spain, relative to this subject, as he may deem advisable and consistent with the course of negotiations." [3]

Accordingly, the President appointed James Innes, "a Special Commissioner to detail a faithful history of the negotiations pending between the United States and the Court of Madrid respecting the navigation of the Mississippi." The announcement of his appointment was made by a letter from Edmund Randolph, Secretary of State, to "His Excellency, the Governor of Kentucky," in which occur these words:

"In this step your Excellency will discern a further proof of the anxiety of the President to remove all grounds

[1] "Kentucky Gazette," February 7, 1795.

[2] Innes to Shelby: "Kentucky Gazette," March 14, 1795. Thomas Jefferson had been the President's first choice for this mission and, upon his declining, Patrick Henry had been asked to serve, but had pleaded age and infirmity as his reasons for declining. See also Fuller's "Purchase of Florida," p. 67; and Winsor's "Westward Movement," p. 548.

[3] "Kentucky Gazette," March 14, 1795.

of dissatisfaction: and indeed, sir, I cannot pass by this occasion of asserting my persuasion that, after the most ample disclosure of the public conduct respecting the Mississippi, you will find that nothing has been left unattempted by him, which his powers, his exertions, and the situation of our country would permit." [1]

Innes' first communication of the details of the negotiations was an elaborate synopsis of the entire situation.[2] He pointed out the fact that Spain had always ranged herself rather with the enemies than with the friends of the United States; that, even during the Revolution, although joining France against England, she had "made no formal recognition of the independence of the United States;" and that, in spite of all negotiation, she had never consented to a "pact or treaty of any kind" with us.

He then described the conditions under which Pinckney was appointed, and called attention to the fact that the President had decided not to, "enter into any commercial relations with the Court of Madrid, 'until our right to the free use of the Mississippi shall be most unequivocally acknowledged and established, on principles never hereafter to be drawn into contestation.'"

Besides the free navigation of the Mississippi, which Pinckney's instructions required him to secure at once, on account of the impatience and hostility of the Kentuckians,[3] he was expected to gain two other important concessions. He was directed to secure a port of deposit within Spanish possessions at the mouth of the Mississippi,

[1] Full texts, "Kentucky Gazette," March 14, 1795.

[2] Dated February 15, 1795. Text in "Kentucky Gazette," March 14, 1795.

[3] Fuller's "Purchase of Florida," p. 67. Spain freely admitted that this was ours by right. Ibid., p. 72.

without which the free navigation would have been comparatively valueless;[1] and to persuade Spain to accept the thirty-first meridian as the northern boundary of her West Florida possessions, instead of a line running East from the mouth of the Yazoo Creek, which she claimed as her right.

Pinckney reached Madrid, June 28, 1795, but it was August 10th before he was permitted to lay his propositions before the representatives of the King, and even then, negotiations dragged heavily, the Spanish representative claiming that the United States should pay for the right of navigation, and Pinckney insisting that the United States would never consent to pay for a right which was already legally hers, citing as authority the Peace of 1783.

It was while these negotiations were in progress that the last Spanish intrigue to separate Kentucky from the Federal Union developed. Carondelet, the Spanish Governor of the Louisiana territory, determined to make one more effort to take advantage of the restless distrust which he believed to exist in Kentucky, concerning the good faith of the Federal Government. It was obvious that the commercial interests of Kentucky were more nearly akin to those of Louisiana than to those of the Eastern States. The wealth of the West and of Louisiana, was easily accessible to Kentuckians, if only they could have free use of the Mississippi, and free deposit at its mouth; while the American markets beyond the Alleghanies, were as yet almost inaccessible during a large part of the year.[2] It

[1] James Innes to Gov. Isaac Shelby, "Kentucky Gazette," March 14, 1795.

[2] As late as January 12, 1798, Sam. Brown wrote to his brother, John, who was attending Congress at Philadelphia, ". . . I hope we may, with some degree of certainty, count on receiving weekly information from the Atlantic States." Brown MSS.

was, therefore, natural for the Governor of Louisiana to suppose that self-interest would lead the Kentucky people to accept Spanish advances, disown their connection with the distant and unsympathetic Federal Government, and enjoy the fruits of their natural connection with the power which controlled their only commercial highway.

It was a scheme founded upon sound commercial facts, but it failed to take into account one important item. The people of Kentucky were proud of the possession of liberty, and were always most complacent when comparing their freedom with the servile condition of the French Creoles. Had Carondelet been able to appreciate this fact, he would have seen at once the utter futility of his schemes. As it was, he acted upon his own conception of the situation, and, in June, 1795, addressed a letter to Judge Sebastian, an ex-Episcopal clergyman, British born, and none too loyal to his adopted country, who had worked himself into the responsible position of a judge of the Supreme Court of Kentucky. In this letter Carondelet offered to send Colonel Gayoso to New Madrid, to meet such men as Sebastian might send thither, for the purpose of talking over the question of the Mississippi;[1] and later, in July of the same year, he dispatched Thomas Power with a second communication to Sebastian, in which he writes: "The confidence imposed in you by my predecessor, Brigadier General Miro, and your former correspondence, have induced me to make a communication to you, highly interesting to the country in which you live and to Louisiana." After describing the Spanish Monarch as willing to grant the Kentucky claim to free navigation of the Mississippi, and, as "desirous to establish certain regulations recipro-

[1] Winsor's "Westward Movement," p. 553.

cally beneficial to the commerce of both countries," [1] the writer asks Sebastian to, "procure agents to be chosen and fully empowered by the people of your country to negotiate with Colonel Gayoso on the subject, at New Madrid . . . in October next."

Sebastian having considered the proposition, decided to look into the question farther, and arranged that Judge Innis [2] should meet him at the house of Colonel Nicholas, in Mercer County, to consider what steps should be taken by way of preliminary investigation.

They agreed that Sebastian should meet Gayoso and ascertain exactly what Spain wanted, and what concessions she was willing to make to Kentucky. Accordingly, with no authority from either the government or the people of Kentucky, he descended the Ohio, and opened negotiations with Gayoso: but they soon disagreed and, in order to settle the points in dispute, repaired to New Orleans and laid them before the Spanish Governor himself. Carondelet at once offered to grant to Kentucky liberal concessions in the matter of import duties: but, before any definite agreement was entered into, news reached New Orleans that Pinckney's negotiations, after dragging along for four months, had suddenly proved successful, and that, on October 27, 1795,[3] a treaty had been signed at San Lorenzo el Real, which yielded practically everything which the United States had desired.

The boundary question had been settled so as to fix the thirty-first parallel as the line separating the United States

[1] Butler, p. 344, for extracts from this correspondence.

[2] Cf. Articles in "Western World," signed "Voice in the West," Marshall, II, p. 445.

[3] "Kentucky Gazette," March 26, 1796. Treaty text, see Snow's "American Diplomacy," p. 106.

from the Florida territories. The middle of the channel of the Mississippi River had been declared the western boundary of the United States, and the treaty further stated (Article 4), that, "His Catholic Majesty has likewise agreed that the navigation of the said river, in its whole breadth, from its source to the ocean, shall be free only to his subjects, and the citizens of the United States, unless he should extend this privilege to the subjects of other powers by special convention." Of the other articles, the eighth applied most closely to the needs of the people of the West, as it gave to them and to all citizens of the United States, the right to deposit their goods in New Orleans, and to export them thence without paying any duty, other than a fair price for storage. This right was to continue for three years, the King agreeing to assign an equivalent port, in case he should see fit to refuse the privilege for New Orleans, after the expiration of the specified time.

"There can be no doubt," wrote one of the Senators from Kentucky, in communicating the provisions of the treaty, "but that the Senate will advise and consent to the ratification of the treaty, which presents such important advantages to the Western Country;" [1] and apparently the Spanish officials were of the same opinion, for they promptly informed Judge Sebastian that any further negotiations with him were out of the question. Sebastian, after vainly urging the Governor to continue negotiations, returned to Kentucky to await developments, hoping against hope that the new treaty would fail of ratification.

So far as the formal action of the two nations was concerned, his hopes were soon blasted. Ratifications were exchanged at Aranjuez, on April 25, 1796, and, on August 2,

[1] "Kentucky Gazette," March 26, 1796.

by Presidential proclamation, the treaty became the law of the land.

However, the fact that Spain had unaccountably (during the last three days of the negotiations), yielded to Pinckney the points which she had, for four months, stubbornly denied, soon raised the question as to whether she was sincere in the transaction. Both Hamilton and Pinckney thought that her change of attitude had been due to her belief that Jay's treaty pointed to a close alliance between England and the United States, with perhaps a joint declaration of war against France and Spain; and that, this proving untrue, she would refuse to carry out her agreement with the United States.

But, whatever the cause which had induced Spain to make concessions, the actions of the Spanish authorities of Louisiana soon convinced the watchful Sebastian that the treaty was not going to be carried into effect. Indeed, Gayoso openly boasted that its concessions would never become operative, and Carondelet, after a brief delay, proceeded to reopen negotiations with Sebastian, this time making his propositions unequivocal, as he felt certain that the man to whom he spoke could be trusted, where his own reward was assured. Thomas Power, the medium of the former negotiations, was dispatched to Louisville (summer, 1797), to convey to Sebastian a letter from Carondelet,[1] asking that he consider its contents, and then call together his friends, Innis, Nicholas and Murray, to decide upon them. The definite propositions, thus to be laid before these four men, were:[2]

(1) These gentlemen, "are immediately to exert all

[1] Butler, p. 246.

[2] Text of the Proposals, Marshall, II, pp. 220–222.

their influence in impressing on the minds of the inhabitants of the Western Country, a conviction of the necessity of their withdrawing themselves from the Federal Union and forming an independent government. . . . :" while, in order to compensate them for the loss of time, and the expenditure of energy required in this important work, Carondelet was to deliver to them the sum of one hundred thousand dollars, and to pay, in addition, to anyone who should forfeit a public office by this service, a sum, "equal at least to the emoluments of the office."

(2) The second article proposed that, as soon as a declaration of Independence should have been issued, Fort Massac should be seized and held by the troops furnished by the Spanish King, who agreed to supply, at this point in the Revolution, an additional one hundred thousand dollars, for the expense of the enterprise.

(3) Spain's compensation for her aid to the proposed revolution, is pointed out in the third article. She was to have, as the Northern boundary of the Floridas, a line starting, "on the Mississippi, at the mouth of the River Yazoo. . . ." In other words, with the help of Kentucky, she would disregard the agreement made in the Pinckney treaty, and return to her old claim which had been definitely abandoned when that treaty was ratified. His Catholic Majesty further proposed to defend the new nation against the Indian tribes South of the Ohio, and to aid in reducing the latter to the condition of dependents and subjects, in case the new nation should, in future, consider such a course desirable. He also pledged his honor not to interfere, "directly or indirectly," in the framing of a Constitution or laws for the new nation, and to "defend and support it, in preserving its independence."

Such were the inducements which Power laid before Judge Sebastian, and he stated, in addition, that he would gladly present to his master any objections which the Kentuckians might have to the propositions, and that he desired them to feel that their wishes would be favorably considered. The crowning temptation was the promise that, if they should separate from the Union and form an independent State, as above indicated, Spain would grant them greater privileges and advantages than they could possibly hope for, even if Pinckney's treaty should be fully carried out in all of its details.

Armed with this dangerous communication, the very consideration of which stamps him as a traitor to his adopted country, Sebastian paid a visit to Judge Innis at his home near Frankfort, while Power passed on to Detroit to ascertain whether James Wilkinson, now General-in-Chief of the American army, was still in a humor for Spanish intrigue.

Innis, after hearing what Sebastian had to say, declared the project to be dangerous, and refused to countenance it. Sebastian professed to entertain the same views, but persuaded Innis to consult Colonel Nicholas before the final answer should be sent to Power. Nicholas' opinion was also decidedly against entering into any such treasonable project, and it was he who drafted the reply to Power, declaring that they, "would not be concerned . . . in any attempt . . . to separate the Western Country from the United States." It added also that they believed the Federal Government would look out for their interests in the important matter of the navigation of the Mississippi, and that, in any event, it was obviously for the best interest of Spain to encourage free inter-

course between her American subjects and the inhabitants of the western parts of the United States.[1]

Up to this point, therefore, it is fair to say, with Butler, that, "the whole tenor of the conduct of Messrs. Innis and Nicholas cannot justify the slightest suspicion of their fidelity to the Union of the American States." [2]

The same cannot, however, be said of General Wilkinson. In spite of the high command with which he had been honored by the Federal Government, he was as ready as ever to intrigue for his own ends, and as cunning as ever in covering his tracks. Power arrived in the neighborhood of Detroit on August 16, and Wilkinson gave him the desired interview, but showed at once that his fears had been aroused by the news of President Adams' recent order to the Governor of the Northwestern Territory, to watch for Power and send him to Philadelphia for investigation. As investigation was what General Wilkinson desired to avoid, he hastily informed Power that he must permit himself "to be conducted immediately, under a guard, to Fort Massac, and from there to New Madrid." [3]

Wilkinson's conduct in this matter reminds one strongly of his dealings with Burr a few years later. Although he had long enjoyed the doubtful honor of leadership in the Spanish intrigues in the West, he now declared such projects chimerical, insisting that, as the inhabitants of the West had gained, by means of Pinckney's treaty,

[1] Mr. Marshall labors hard to implicate Innis and Nicholas with Sebastian and Wilkinson in this conspiracy, but fails to bring forward convincing proof. Even he, however, admits that Murray was not implicated, as the communication was not presented to him. Marshall, II, p. 223.

[2] Butler, p. 248; Marshall, II, pp. 224–225, takes opposite view.

[3] Winsor's "Westward Movement," pp. 567–568.

all that they wanted, they would not consent to form any commercial alliances, or to consider the question of separating themselves from the Union of States, even under the most tempting conditions. In his opinion Spain could do nothing but surrender the territory abandoned by that treaty. He said that he had known for some time that Spain would not voluntarily carry out the stipulations of the treaty, but that she would be forced to do so; adding, however, that he expected soon to be appointed Military Governor of Natchez, and would then, perhaps, be in a position to carry out the projects, which for the present had been frustrated by the conclusion of the treaty.

With Wilkinson it was a double treason. In intention, at least, he had long been an enemy to the Union which he was supposed to serve: but he knew that the spirit of Wayne still pervaded the army which he had the unmerited honor to command, and that, upon any sign of treachery to the United States, his own officers and men would be the first to denounce him. He showed his sympathy, or perhaps his instinct of self-preservation, by conducting the Spanish agent beyond the danger of arrest, while his refusal to accept Power's advances served only to show that he considered the time for treachery to be ill chosen.

But even while Power and Wilkinson discussed the failure of their plans, Andrew Ellicott was endeavoring to carry out the orders of the President, to survey the boundary lines agreed upon in Pinckney's treaty. On February 24, 1797, he had reached Natchez, and had demanded to know why the forts had not been evacuated.[1]

[1] "Kentucky Gazette," July 5 and 12, 1797, gives the details of his difficulties.

Gayoso, who was in command, had replied that the evacuation had been delayed for want of suitable vessels; but, on March 1, Carondelet himself had arrived and declared that the forts could not be given up until he should be informed from Madrid whether they were to be surrendered as they stood, or should be first dismantled.[1]

This was obviously a pretext, and the real reason of Spain's sudden anxiety to retain the forts soon appeared. England and Spain had declared war upon one another, and it was rumored that a British expedition was shortly to start from Canada, for the invasion of Louisiana. In September, Ellicott received from the Federal Government as precise information concerning this projected expedition as could be furnished under the circumstances. He was informed that the British plans included an attempt to join the West in alliance with England against Spain,[2] and that Colonel William Blount, of Tennessee, had been convicted of complicity in the plot, and had (July 8, 1797) been expelled from the United States Senate, with only one dissenting voice.

The scheme, as matured, was that a British fleet should ascend the Mississippi, and coöperate with an army of four thousand frontiersmen, under the direction of Blount and Orr of Tennessee, Whitely of Kentucky, and certain others, among whom was a Captain Chesholm, vaguely referred to in the letter which had convicted Blount.[3]

The real object of England was doubtless to prevent the

[1] Message of John Adams, June 12, 1797, published in "Kentucky Gazette," July 5, 1797.

[2] Winsor's "Westward Movement," p. 568.

[3] Copy of the letter from Blount to Carey, dated Colonel King's Iron Works, April 21, 1797, in G. S. Taft's "Senate Election Cases," pp. 76–77.

wily French minister, Talleyrand,[1] from consummating a plan for securing possession of Florida and Louisiana; but whatever it was, the United States did not consider it sufficient cause to justify Spain in refusing to live up to the terms of the recent Pinckney treaty. In December Ellicott's little force in Natchez was increased by a detachment of United States troops, a circumstance which convinced Gayoso, who, during the previous July, had succeeded Governor Carondelet, that the treaty was regarded as a finality by the United States, and that its provisions would be insisted upon, even at the cost of an open rupture with His Catholic Majesty. To that length Spain was not prepared to go. Orders were therefore issued for the evacuation of Natchez, Walnut Hills, and other posts north of the thirty-first meridian, and, after a further delay of several months, the Spanish troops marched out (March 30, 1798), leaving the forts intact.[2] The American flag was raised over the region so long in dispute, and the pioneers of the West found themselves in the possession of the long coveted right of freely navigating the great River, which formed their only highway to the markets of the world.

[1] "Kentucky Gazette," May 20, 1797.

[2] Fuller's "Florida Purchase," p. 92.

CHAPTER VIII

THE KENTUCKY RESOLUTIONS OF 1798 AND 1799

In March, 1797, John Adams found himself at the head of a nation, stirred by violent political excitement. On the one side were the Federalists, who, though broken by factions, were responsible for his election, on the other, the new Democratic-Republicans, who, having succeeded in electing Jefferson as Vice-President, recalled with bitterness that the rejection of four disputed votes would have placed their leader in the White House. The vast majority of the Kentucky people belonged to this new party, which had been saddled with the blame for the Whiskey Rebellion, the Jacobin Clubs, and the attempt to defeat the carrying out of Jay's treaty. In spite of repeated reverses, however, it had gradually increased in power, until it was now fully as strong as the Federalists, while it enjoyed the exceptional advantage of being led by a statesman, ever ready to profit by the mistakes of his opponents.

It is not our province to pass judgment upon the character of Thomas Jefferson, but as he chose to use the Kentucky Legislature for the accomplishment of his political ends, we must trace, in outline at least, the events in national affairs which gave him his opportunity.

As no absorbing subject of domestic policy at this time presented itself, to serve as a battle ground between the two parties, foreign affairs continued to hold the atten-

tion of both; and if we seek for the central fact of John Adams' administration we shall find it in the single word, France. Washington and Jay had, temporarily, settled the English question; but just so fast as our relations with that country improved, our relations with France and Napoleon grew worse. Jay's treaty had enraged France, and we must admit that her anger was not wholly unjust. She charged us with the willful violation of two solemn treaties, the first, of offensive and defensive alliance, the second, of friendship, navigation and commerce; and claimed that, far from keeping our sacred agreements, we had, without a word of notice to her, signed a treaty with her enemy, England, which placed that nation in a position of favor, denied to her.

This was, undoubtedly, a reasonable complaint, from the point of view of the French Directory, and they at once selected an heroic method of showing their displeasure. They passed a law which declared, in effect, that "as neutrals suffer themselves to be treated by England, so shall they be treated by France."

James Monroe, a follower of Jefferson, whom Washington had sent to France to soothe her anger, had shown his democratic spirit by exhibiting sympathy with France, and by listening to remarks such as no American, in governmental service, has a right to hear. Washington had, therefore, just before his retirement, recalled him, and sent Chas. C. Pinckney, of South Carolina, to take his place. France objected to the change, and refused to recognize Pinckney, or to receive his credentials, while, a little later, it was learned that she had gone so far as to threaten him with arrest if he remained in France. Here, then, was a critical condition of affairs, and war seemed unavoidable;

but Alexander Hamilton, the founder and genius of the Federalist party, was, as usual, ready with a solution. If war should be declared against France, he argued, without a strong effort at reconciliation, the Government would lose the support of a large body of the Republican party, whose tendency had always been to favor that country; and he therefore urged President Adams to appoint a commission of three men to be sent to France, with instructions to make an honorable settlement, if such were possible. Pinckney, John Marshall and Gerry, were accordingly selected, and departed upon this mission, upon the outcome of which peace or war was believed to depend.

As little hope of a peaceful adjustment was felt by the Federalist leaders, they considered it the part of wisdom to prepare for war; but the Republicans in Congress opposed all measures looking toward armament, and President Adams was almost in despair, when dispatches arrived from France which proved, to the satisfaction of the Administration, that the last hope of peace had failed.

Our ambassadors had been subjected to persistent and continued insult. Unofficial personages had been sent by Talleyrand (Minister for Foreign Affairs), to demand that large sums of money be paid to the French Directory, before any official communication [1] would be held with them, and to make other proposals equally insulting to the dignity and honor of a free nation.[2]

Adams straightway declared that he saw no hope of a peaceful and honorable settlement with France. The Republicans, however, openly questioned the honesty of the

[1] Compare article in "Kentucky Gazette," April 25, 1798.

[2] Detailed account of these insults, "Kentucky Gazette," May 2, 1798.

Administration, and continued their opposition to the war measures. Adams, therefore, consulted the leaders of his party upon the advisability of exhibiting the dispatches themselves, and taking his stand upon the whole body of facts. This was especially desirable as the House had already passed a Resolution, "That the President be requested to communicate to this House, the instructions to, and dispatches from, the envoys-extraordinary of the United States to the French Republic." [1]

His confidential advisers agreeing with him, that this was the wisest course to pursue, Adams sent the required papers to Congress, with the request that they be "considered in confidence, until the members of Congress are fully possessed of their contents." The effect was immediate. The Republicans read with dismay the insults which had been offered to our representatives, and saw no course open to them but to support the war policy.

Shortly afterward, by the sanction of the President, the dispatches were given to the press, and published throughout the land, adding irresistible strength to the cause of Federalism.[2] Bills preparing the country for war were rushed through Congress with little or no opposition,[3] and Adams suddenly found himself riding upon the crest of the wave, classed with Washington in song and patriotic poem. His message of June 21, 1798, committed him to a policy which was no longer the policy of a party but of a nation. "I will never send another minister to France without assurance that he will be received, respected, and honored as the representative of a great,

[1] "Kentucky Gazette," April 25, 1798.
[2] Schouler, I, p. 387.
[3] "Kentucky Gazette," May 23, June 6, etc., 1798.

free, powerful and independent nation."[1] Thousands of men who distrusted Adams and the Federalists, were swept along by the current of excitement, and supported both with enthusiasm. Bands of young men organized in different sections of the country, and despatched memorials of sympathy and support to the President. Students in the great seats of learning, Princeton, New Haven and Cambridge, drew up addresses, eagerly pledging their support to the Federalist party.[2] One Republican leader after another was carried away by the current of public opinion.

"Giles, Clopton, Cabell and Nicholas have gone," Jefferson wrote to Madison,[3] "and Clay goes to-morrow. Parker has completely gone over to the war party. In this state of things they will carry what they please. One of the war party . . . declared some time ago that they would pass a citizen bill, an alien bill, and a sedition bill."

This last sentence must have contained a gleam of hope for these two disconsolate Republican leaders. They knew that, should the Federalists, in the wantonness of power, venture to enact oppressive or unconstitutional laws against the freedom of the press, or any other fundamental doctrine, Republicanism might well hope to come out victorious in this apparently unequal contest; and certain well-known facts led them to credit the assertion that their opponents really meant to carry out this dangerous program. The long continued abuse which they had received from the Republican press had stung their

[1] Schouler, I, p. 391.

[2] McMaster, II, p. 381.

[3] Jefferson to Madison, April 26, 1798. "Jefferson's Works," Memorial Ed., 1903, X, p. 31.

leaders to madness, and they were burning for revenge.[1] Most of the immigrants, since the adoption of the Federal Constitution, had been Frenchmen, driven out by political troubles, or British subjects with ideas too Republican for use in their own countries (England, Scotland and Ireland). Many had been journalists at home, and more than one had fled to escape prosecution for seditious libel against the British Government.[2] Upon finding themselves safely established in their new home, some of these had resumed the practice of their profession, and that without a change of policy. Their admiration for the French Revolution, and their hatred of England combined to make them intense supporters of Jefferson and his party, and just as intense enemies of the Federalists. Their publications were often indecently insulting, and sometimes, maliciously untrue.

To silence these men and to guard against the insidious influence of a large foreign population were, therefore, the chief causes of the passage of the Alien and Sedition laws, which called forth the famous Kentucky Resolutions of 1798 and 1799. There was, however, another reason why the Federalists feared the influence of French sympathizers. It was generally believed that France was planning to regain Louisiana, and that these foreign Americans were operating to prepare our western territory for joining her, when her plans should come to maturity.

Accordingly, on June 18, 1798, the exultant Federalists passed the first act of their disastrous program.[3] It de-

[1] Hildreth, "Second Series," II, p. 210.

[2] For example, Callender, temporarily editor of the "Aurora," in Bache's absence.

[3] Annals of Congress. "This Act was repealed in 1802, and the term of

clared that henceforth naturalization papers should be granted only to such foreigners as had resided fourteen years in this country, and had declared their intention of becoming citizens, at least five years before the time for obtaining their papers. Further, that aliens coming to this country after the passage of this law, must be registered, and must bring their certificates of registration, when they appeared for naturalization, as proof that they had lived fourteen years in the country: and that "alien enemies," (citizens of countries hostile to the United States), could not become citizens at all.[1]

Seeing that this long period of naturalization would necessarily increase the alien class, as under its provisions but few foreigners could for the present be admitted, the next law[2] was designed to keep them safe and quiet during their long term of uncertain allegiance. It gave the President full power to order all aliens whom he judged dangerous to the peace and safety of the United States, or whom he suspected of treasonable or secret machinations against the Government, to leave the country within a certain definite period; and, if any alien so outlawed were found in the country after the date fixed by the President, he was liable to imprisonment for three years, and would never again be eligible for citizenship. If one thus imprisoned were deemed better out of the country, the President could send him out, and, if he returned without permission, he

naturalization was once more fixed at five years, from which it has not since greatly varied." Schouler, I, p. 394, note.

[1] The law had previously been to grant naturalization papers to aliens who had resided five years in the United States. See "Annals of Congress," January 29, 1795.

[2] Act of June 25, 1798; "Annals of Congress." Its operation was limited to two years; McMaster, II, p. 395; Schouler, I, p. 394.

might be imprisoned for as long a time as the President should think necessary for public safety. Besides the registration required under the new Naturalization law, the President was given power to require from each ship captain, upon his arrival, a list of all alien passengers.

In the case of the so-called, "alien enemies," still more stringent legislation was thought necessary. The law [1] gave the President power, in time of war or invasion, to apprehend, restrain, or remove all natives, citizens or subjects of hostile governments, upon such terms as he should see fit to impose. It was thus an act deliberately setting aside the right of trial by jury in the case of foreigners, and submitting them to the arbitrary arrest and imprisonment of a single man, without restraint other than his own conscience.

The Sedition Act, [2] so called, was even more despotic. The first Amendment to the Constitution declares that, "Congress shall make no law . . . abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." But this bold piece of legislation pronounced it a high misdemeanor, punishable by fine and imprisonment, "for any persons unlawfully to combine and conspire together with intent to oppose any measure of the Government of the United States, . . . and to impede the operation of any law of the United States, or to intimidate persons from taking or holding public offices, or to commit, advise or attempt to procure any insurrection, riot, or unlawful assembly." Section two provides a fine and imprisonment for print-

[1] Act of July 6, 1798; "Annals of Congress."
[2] Act of July 14, 1798; Ibid.

ing or publishing, "any false, scandalous and malicious writing against the Government of the United States, or either House of Congress, or the President, with intent to defame them, or bring them into contempt or disrepute; or to excite against them the hatred of the good people of the United States, or to stir up sedition, or with intent to excite any unlawful combination therein for opposing or resisting any law" of the United States or any lawful act of the President; or to "aid, abet, or encourage, any hostile design of any foreign nation against the United States." Section three declared that truth should be given as evidence, and that the jury should be judges both of law and fact.[1]

Had the Federalist leaders sought to make themselves detested, they could not have found a surer way than the passage of these laws. Jefferson and his immediate followers saw, or pretended to see, in them the beginning of a movement toward changing the Republic into a Monarchy. "For my own part," the former wrote to S. T. Mason, "I consider these laws as only an experiment on the American mind, to see how far it will bear an avowed violation of the Constitution. If this goes down, we shall immediately see attempted another Act of Congress, declaring that the President shall continue in office during life, reserving to another occasion the transfer of the succession to his heirs, and the establishment of the Senate for life. . . . That these things are in contemplation, I have no doubt; nor can I be confident of their failure, after the dupery of which our countrymen have shown themselves susceptible." [2]

[1] Text of Sedition Law, "Kentucky Gazette," August 8, 1798; Hildreth, "Second Series," II, pp. 226–227.

[2] Jefferson to S. T. Mason, October 11, 1798. "Jefferson's Works," Memorial Ed., 1903, X, pp. 61–62.

It was Jefferson's obvious duty, if he really cherished this remarkable belief, to show the people the insidious tendency of these laws, and the sinister designs against liberty which lurked behind them. As the leader of a political party, furthermore, it was his duty to make this exposure in the way most likely to strengthen his own party. With these ends in view, he conceived the plan of persuading such State Legislatures as still remained Republican, to pass resolutions, pointing out the character of the obnoxious acts, and declaring them unconstitutional. North Carolina at first appeared to him the likeliest field for the beginning of his crusade,[1] but this opinion was soon altered by the fierce and open hostility against the Alien and Sedition laws manifested by the citizens of Kentucky, as well as by the fact that North Carolina began to show a disposition to desert the faltering standard of Jeffersonian Democracy.

The Kentucky newspapers for the latter part of the summer of 1798, were filled with accounts of meetings and resolutions against the Alien and Sedition laws, and the Administration which had produced them, the "Gazette" of August 1, for example, containing a series of ten resolutions adopted by a mass meeting of Clark County, which are very like what Jefferson himself was planning. They read thus:

"First. Resolved, That every officer of the Federal Government, whether legislative, executive, or judicial, is the servant of the people, and is amenable and accountable to them: That being so, it becomes the people to watch over

[1] Jefferson to W. C. Nicholas, October, 1798. Text, Warfield's "Kentucky Resolutions of 1798," pp. 146–147. This letter does not appear in Jefferson's published works.

their conduct with vigilance, and to censure and remove them as they may judge expedient: . . .

"Second. Resolved, That war with France is impolitic, and must be ruinous to America in her present situation.

"Third. Resolved, That we will, at the hazard of our lives and fortunes, support the Union, the independence, the Constitution, and the liberty of the United States.

"Fourth. Resolved, That an alliance with Great Britain would be dangerous and impolitic; That should defensive exertions be found necessary, we would rather support the burthen of them alone than embark our interests and happiness with that corrupt and tottering monarchy.

"Fifth. Resolved, That the powers given to the President to raise armies when he may judge necessary—without restriction as to number—and to borrow money to support them, without limitation as to the sum to be borrowed, or the quantum of interest to be given on the loan, are dangerous and unconstitutional.

"Sixth. Resolved, That the Alien bill is unconstitutional, impolitic, unjust and disgraceful to the American character.

"Seventh. Resolved, That the privilege of printing and publishing our sentiments on all public questions is inestimable, and that it is unequivocally acknowleged and secured to us by the Constitution of the United States; That all the laws made to impair or destroy it are void, and that we will exercise and assert our just right in opposition to any law that may be passed to deprive us of it.

"Eighth. Resolved, That the bill which is said to be now before Congress, defining the crime of treason and sedition, and prescribing the punishments therefor, as it has been presented to the public, is the most abominable

that was ever attempted to be imposed upon a nation of free men.

"Ninth. Resolved, That there is a sufficient reason to believe, and we do believe, that our liberties are in danger; and we pledge ourselves to each other and to our country, that we will defend them against all unconstitutional attacks that may be made upon them.

"Tenth. Resolved, That the foregoing resolutions be transmitted to our representative in Congress, by the Chairman, certified by the Secretary, and that he be requested to present them to each branch of the Legislature and to the President, and that they also be published in the Kentucky 'Gazette.'

"JACOB FISHBACK, Ch.
"Attest: R. HIGGINS, Sec."

This was the meeting satirized by Peter Porcupine,[1] in the following account:

"At Lexington, a mob assembled on the 24th of July, with a fellow of the name of Fishback at their head; they got pen, ink, and paper, and to work they went, drawing up resolves to the number of ten, among which is the following one, which, for sentiment as well as orthography, is unequalled even in the Annals of American Democracy.

"'Resolvd, that thar es sufishunt resen to beleev, and wee doe beleev, that our leebeerte es in daingur, and wee plege ourselves too eche other, and too ouer countery, that wee will defende um agenst awl unconstetushonal ataks that mey bee mede upon um.'"

Meetings were held in various other counties at which spirited addresses, and threatening resolutions against the

[1] "Porcupine's Gazette," September 21, 1798. Quoted in Warfield's "Kentucky Resolutions of 1798," pp. 46–47.

obnoxious Federal statutes were presented;[1] but the speech in which the American public will now take the deepest interest was delivered, toward the end of July, at a Lexington Anti-Sedition law rally, by a tall youth of twenty-one, who bore the then obscure name, Henry Clay.

Clay was a native of Hanover County, Virginia, having first seen the light of day on April 12, 1777, in a district familiarly known as "the Slashes." His father, a Baptist clergyman of eminent respectability, though of no great prominence, had died in 1782, when Henry was five years old, and the boy had received only the common school training offered in the little log-cabin schoolhouse of the district. In 1792, his mother had married a second husband, a Mr. Henry Watkins and had moved with him to Woodford County, Kentucky, taking five of her seven children with her. Henry and his eldest brother had been left in Virginia to carve out their own fortunes. Having secured employment at Richmond, in the office of Peter Tinsley, Clerk of the High Court of Chancery, Henry had attracted the notice of the venerable Chancellor Wythe, who, being unable to use his pen by reason of the gout, had frequently employed him as an amanuensis.[2] This employment had brought him into contact with the distinguished Attorney-General and ex-Governor of Virginia, Robert Brooke, and, by the advice of these two eminent statesmen, he had turned his attention to the study of the law. In 1796, Brooke had taken Clay into his own house, and had given him the benefit of a year of uninterrupted study, at the end of which time, Clay had obtained his license from the Vir-

[1] Accounts of such meetings in Woodford, Fayette and Montgomery Counties appear in the "Kentucky Gazette" for August 8 and 15, 1798.

[2] Sargent's "Clay," p. 3.

ginia Court of Appeals, and moved to Lexington, Kentucky, to begin his practice.[1] There he had been readily admitted as a practitioner before the Fayette Court of Quarter Sessions. "Without patrons, without the favor or countenance of the great or opulent," he afterwards declared,[2] "without the means of paying my weekly board, and in the midst of a bar uncommonly distinguished by eminent members, I remember how comfortable I thought I should be, if I could make one hundred pounds, Virginia money, per year."

Upon the present occasion, Clay stood in the crowd, listening to the long and eloquent speech of George Nicholas, denouncing the Alien and Sedition laws, and the despotic tendency of the ruling Federalists. At the close a wild cheer greeted the distinguished orator, and then someone shouted the name of Henry Clay. The crowd, whose anti-federal enthusiasm had only been whetted by what they had just heard, at once took up the cry, demanding that the young stranger from Virginia express his views upon the all-important topic. Fortunately for the future "Great Commoner," and for his dream of a hundred pounds a year, he was in complete sympathy with his audience. He mounted the wagon which served as a speaker's platform,[3] and, taking up the theme of Federal usurpation which Nicholas had used to such good effect, he poured forth a torrent of invective, so remarkable and so unexpected, that, as an eyewitness of the scene declared, "it would be impossible to give an adequate idea

[1] Prentice's "Clay," pp. 7–8; Collins, II, pp. 205–206.

[2] Lexington Speech, June 9, 1842; Mallory's "Life and Speeches of Henry Clay," II, p. 572.

[3] Warfield's "Kentucky Resolutions of 1798," p. 43, gives a somewhat different account of the meeting.

of the effect produced." [1] As that matchless voice, hitherto silent, but soon to become a controlling and compelling factor in national and international affairs, floated over the wondering throng of hardy frontiersmen, "indignation came like a dark shadow upon every countenance. The flame that burned in his own heart was caught up and lighted in every other. He ceased—but there was no shout. The feelings of the gathered multitude were too wild and deep for applause." [2] He had voiced the prevailing opinion of his fellow citizens as no other living man could have voiced it, and no more words were wanted. The leading Federalist orator of the region, William Murray, came forward to the support of the Administration; but the crowd refused to hear him, and would have dragged him from the stand had not Nicholas and Clay interfered. Next, a Federalist named M'Lean attempted to secure a hearing, but the indignant crowd rushed forward with hostile intent, and "it was only by a precipitate flight into the country that he escaped being treated with personal indignity." [3] Then, the ugly humor of the crowd suddenly vanishing, they raised the heroes of the day, George Nicholas and Henry Clay, upon their shoulders, and bore them away in triumphal procession.

In the comments of the Federalist newspapers upon this meeting, Clay's speech and personal triumph were omitted, as he was a mere boy, with no political influence; those of George Nicholas, a man with a man's reputation, could not be entirely passed over, but they were minimized, while the efforts of the two bold Federalists, Murray and

[1] Prentice's "Clay," p. 23.
[2] Ibid., p. 24.
[3] Ibid.

M'Lean, with the treatment which they experienced, were graphically set forth. The following is a report of the meeting by, "A respectable Gentleman of Pittsburg," printed first in the "Weekly Advertiser" of Reading, Pennsylvania, and later in the "Kentucky Gazette" of November 28, 1798.

"You no doubt have heard of the commotions in Kentucky. If not, the story is this: Meetings were called in the principal towns to consider of, or rather, abuse the measures of the Government. Seditious speeches, violent resolutions entered into, and a flame everywhere kindled. At Lexington, George Nicholas, a little, indolent, drunken lawyer, of some talents, but no principle, loaded with British debts, and an elder brother of Le beau Citoyen Nicholas, opened the business of the meeting. He spoke for hours in the most inflammatory style—denounced the President as a perjured villain, a traitor, etc. Declared it as his intention to oppose all those measures of the executive which he condemned—and not one escaped his condemnation—and swore if he could not say, read and publish as he pleased in his own house—the Govm. of the United States should procure him another. Mr. Murray and Mr. M'Lean opposed him ably. The former was heard without insult, but the latter was forced to take shelter in a house from the mobility. Upwards of 1000 persons were present at the Lexington meeting."

Such demonstrations served to show the trend of public opinion, but it was clearly understood by the Democratic leaders of Kentucky that the only action likely to produce real results was action by the State as a political unit. In the "Kentucky Gazette" of August 22, 1798, an article signed "Philo-Agis," explicitly advises this course.

"My plan is this," it says, "let the legislature of Kentucky be immediately convened by the Governor, let them pass resolutions praying for a repeal of every obnoxious and unconstitutional act of Congress."

This was a suggestion right in line with public opinion, and would probably have been carried out promptly had it not been for the fact that George Nicholas was out of public life, and, although quite willing, as his effort at Lexington had shown, to use his gifts as a public speaker against the obnoxious laws, he was not disposed to shoulder the burden of such an undertaking,[1] while his young and ardent friend, John Breckinridge, had just set out for a prolonged visit to Virginia.[2]

Breckinridge had taken a prominent part in a number of the mass meetings called to denounce the Alien and Sedition laws, and, although leaving Kentucky for a short period, had no intention of giving up the fight. While at Botetourt, he sent a letter to Caleb Wallace, a member of the Kentucky Legislature, urging him to prepare a set of resolutions against these laws, and to present them to the Legislature at the earliest possible moment. The letter was not delivered for some two or three weeks after it should have reached its destination, and then Caleb Wallace modestly declined the honor of "drafting any thing of so great importance." [3]

[1] Warfield's "Kentucky Resolutions of 1798," p. 47.

[2] John Breckinridge was born in Augusta County, Virginia, on December 2, 1760, but at an early age was taken by his father to his new home in Botetourt County, near Fincastle. In 1785 he settled in Albemarle County where he practiced law until 1793, when he moved to Lexington, Kentucky. From there he went to "Cabell's Dale," Fayette County, a short distance from Lexington, where he resided until his death in 1806. For biographical sketch, see Collins, II, pp. 98–100; Warfield's "Kentucky Resolutions of 1798," Chap. III, etc.

[3] From letter of Caleb Wallace to John Breckinridge, dated, Lexington,

It mattered little, however, for, before his answer was penned, Breckinridge had gone on to Albemarle County, Virginia, where his plans for denouncing the Alien and Sedition laws, through the medium of the Kentucky Legislature, received the encouragement and coöperation of Jefferson himself, whom all Democrats, even then, reverenced as the founder of their political party.

Jefferson, upon the adjournment of Congress, in July, had returned to Monticello, cherishing plans similar to those occupying the thoughts of Breckinridge.[1] There was, however, this difference in the points of view of the two men. What Breckinridge proposed was to check Federal encroachments upon the reserved rights of the States; while the Vice President designed, by the resolutions which he was contemplating, to make a political stroke which should cause the American people to see the Federalist party as he saw it, and to expel them from the control of the government. Early in October, 1798, Mr. Jefferson wrote to W. C. Nicholas of Virginia,[2] "I entirely approve of the confidence you have reposed in Mr. Breckinridge, as he possesses mine entirely. I had imagined it better these resolutions should have originated with North Carolina, but perhaps the late changes in their representation may indicate some doubt whether they would have passed. In that case, it is better they should come from Kentucky." This clearly implies that Jefferson and W. C. Nicholas had already arranged plans for a set of resolutions, and that Breckinridge's account of conditions in Kentucky had convinced Jefferson that the

Ky., November 5, 1798. Quoted in Warfield's "Kentucky Resolutions of 1798," pp. 147–148.

[1] Schouler, I, p. 408.

[2] A brother of George Nicholas of Kentucky.

Legislature of that new Commonwealth would be a safe place to launch them. The next sentence includes Madison in the scheme: "I understand," he continues, "that you intend soon to go as far as Mr. Madison's. You know I have no secrets from him. I wish him, therefore, to be consulted as to these resolutions."

How many interviews occurred between Jefferson and Breckinridge before a definite plan of coöperation was reached, we have no means of determining; but we fortunately possess, from Jefferson's own pen, a detailed account of the conference at which the final plan of campaign was arranged. The letter containing this account, although written by Jefferson for the purpose of settling beyond dispute the question of the authorship of the Kentucky Resolutions of 1798, has produced great confusion, due to the fact that Thomas Jefferson Randolph, in sorting the papers of his illustrious grandfather, while preparing the first edition of Jefferson's works,[1] came upon a copy of the letter, without the name of the addressee. By some process of reasoning known only to himself, he decided that it must have been addressed to a son of George Nicholas, and so embodied it in the Fourth Volume of his edition (page 344), with the statement that it was addressed "To ——— Nicholas, Esquire," not caring to decide to which of George Nicholas' sons it had been written. In this form, the letter was first given to the public, thus laying the foundation of the long contested error, that George Nicholas was the mover of the Resolutions of 1798, an error which a careful examination of any of the local papers of the period would have

[1] Charlottesville, Virginia, 1829, 4 vols., under title, "Memoir, Correspondence, and Miscellanies of Thomas Jefferson, edited by T. J. Randolph." The London edition had the title changed to, "Memoirs, Correspondence, and private papers of Thomas Jefferson."

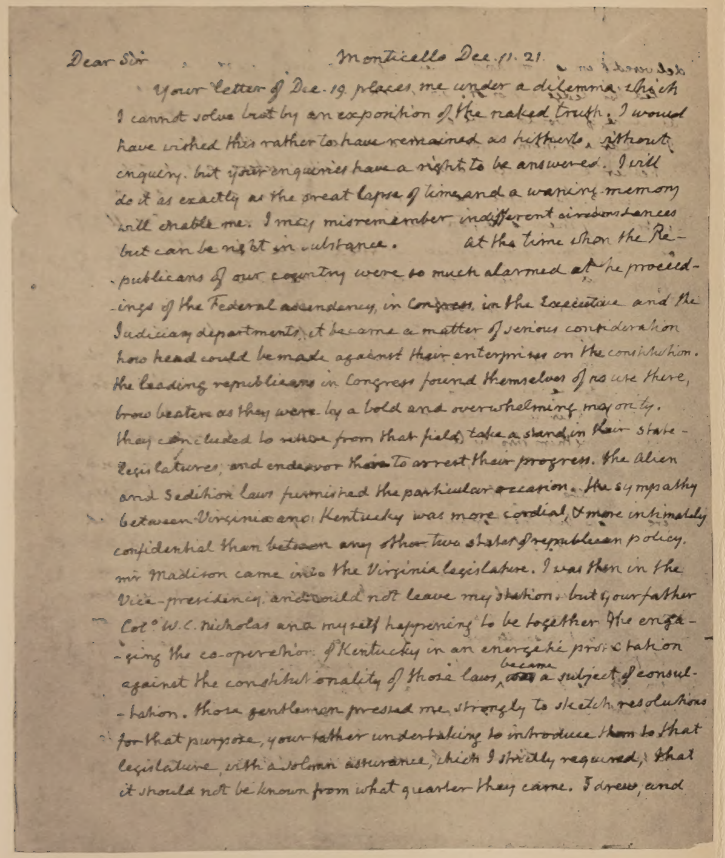
disclosed.[1] When the original text of the letter was finally discovered among the papers of the late W. C. P. Breckinridge, of Lexington, Kentucky, it was found to be addressed to J. Cabell Breckinridge, of Frankfort,[2] thus making it perfectly evident that Jefferson's remarks concerned, not George Nicholas, but John Breckinridge. In view of which facts, it seems wise to present Jefferson's account of the historic conference which planned the resolutions, in the form of a facsimile reproduction of this much discussed letter, in order that no room for doubt may be left in any mind.[3]

The resolutions, here referred to as drawn by Jefferson, are not identical with those subsequently passed by the Kentucky Legislature, and, in view of the historic importance of the subject, I venture to insert them entire.

[1] This error appears in the following important works, and in many others of less importance: (*a*) Von Holst, "Constitutional History of the United States," 1889 Ed., I, p. 144, note No. 2; (*b*) Randall's "Jefferson," 1858 Ed., II, p. 448; (*c*) "Jefferson's Works," 1854 Ed., VII, pp. 229–230, publishes the letter as addressed "To ——— Nicholas"; (*d*) McMaster, "History of the People of the United States," II, p. 419; (*e*) Hildreth's "History of U. S., Second Series," II, pp. 272–276, etc.

[2] The address was fortunately written on the reverse side of the sheet containing the letter.

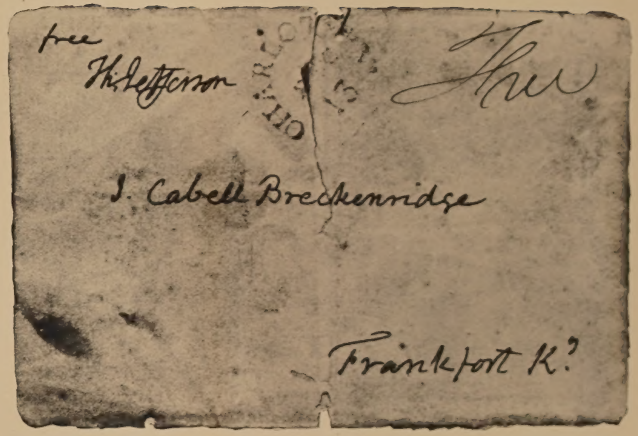
[3] I am indebted to Mr. Desha Breckinridge of Lexington, Ky., and to his sister, Dean Breckinridge of the University of Chicago, for permission to use the Breckinridge papers, and for the privilege of reproducing this letter, which has been thus reproduced once before, but not so as to make it generally accessible. It appeared in the "Southern Bivouac" for March, 1886, and with that reproduction appeared an able article by Col. R. T. Durrett, setting forth, for the first time, the clear proof that John Breckinridge was the mover and part author of the "Kentucky Resolutions of 1798." The two following numbers of the same magazine contain articles by the same author, amplifying the argument. The same general line of argument was adopted in Warfield's "Kentucky Resolutions of 1798," which appeared the following year, 1887, much new and valuable material being added.



Dear Sir Monticello Dec. 11. 21.

Your letter of Dec. 19 places me under a dilemma which I cannot solve but by an exposition of the naked truth. I would have wished this rather to have remained as hitherto, without enquiry. but your enquiries have a right to be answered. I will do it as exactly as the great lapse of time and a waning memory will enable me. I may misremember indifferent circumstances but can be right in substance. at the time when the Republicans of our country were so much alarmed at the proceedings of the Federal ascendency, in Congress, in the Executive and the Judiciary departments, it became a matter of serious consideration how head could be made against their enterprises on the constitution. the leading republicans in Congress found themselves of no use there, borne beaten as they were by a bold and overwhelming majority. they concluded to retire from that field, take a stand in their state-Legislatures, and endeavor there to arrest their progress. the Alien and Sedition laws furnished the particular occasion. the sympathy between Virginia and Kentucky was more cordial, & more intimately confidential than between any other two states of republican policy. mr Madison came into the Virginia legislature. I was then in the Vice-presidency, and could not leave my station. but your father Col° W. C. Nicholas and myself happening to be together the engaging the co-operation of Kentucky in an energetic prosecution against the constitutionality of those laws, became a subject of consultation. those gentlemen pressed me strongly to sketch resolutions for that purpose, your father undertaking to introduce them to that legislature, with a solemn assurance, which I strictly required, that it should not be known from what quarter they came. I drew, and delivered them to him, and in keeping their origin secret he fulfilled his pledge of honor. some years after this Col° Nicholas asked me if I would have any objection to it's being known that I had drawn them. I pointedly enjoined that it should not. whether he had unguardedly intimated it before to any one I know not: but I afterwards observed in the papers repeated imputation of them to me; on which, as has been my practice on all occasions of imputation, I have observed entire silence. the question indeed has never before been put to me, nor should I answer it to any other than yourself, seeing no good end to be proposed by it and the desire of tranquility inducing with me a wish to be withdrawn from public notice. your father's zeal and talents were too well known to derive any additional distinction from the pouring these resolutions. that circumstance merely was of far less moment than the proposing and carrying them thro' the legislature of his state. the only fact in this statement on which my memory is not distinct is the time & occasion of the consultation with your father and mr Nicholas. it took place here I know, but whether any other person was present, or communicated with is my doubt. I think mr Madison was either with us, or consulted, but my memory is uncertain as to minute details. and I fear, dear Sir, we are now on such another crisis, with this difference only, that the judiciary branch is alone, and single-handed in the present assault on the constitution: & it's assaults are more sure, and deadly, as from an agent seemingly passive and unassuming. may you and your colemporaries meet them with the same determination and effect as your father and his did the alien and sedition laws, and preserve our constitution, which, cherished in all it's chastity & purity, will prove in the end a blessing to all the nations of the earth. with these prayers, accept those for your own happiness and prosperity.

Th: Jefferson



Reduced fac-simile of letter from Thomas Jefferson to J. Cabell Breckenridge, regarding the Kentucky Resolutions

Reproduced by courtesy of Mr. Desha Breckenridge, of Lexington, Kentucky, and his sister, Dean Breckenridge, of the University of Chicago.

The following is a copy of Jefferson's draft, found among his papers, after his death, and certified to by his executor, Thomas Jefferson Randolph, as a true and exact transcript.[1]

THE JEFFERSON RESOLUTIONS

Resolved, That the several States composing the United States of America, are not united on the principle of the unlimited submission to the General Government; but that by a compact under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a General Government for special purposes, delegated to that Government certain definite powers, reserving each State to itself, the residuary mass of right to their own self-government; and that whensoever the General Government assumes undelegated powers, its acts are unauthoritative, void, and of no force; that to this compact, each State acceded as a State, and is an integral party; its co-States forming as to itself, the other party; that the Government created by this compact, was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion and not the Constitution, the measure of its powers; but that, as in all other cases of compact among powers having no common judge, each party has an equal right to judge for itself; as well of infractions as of the mode and measure of redress.

2d. *Resolved*, That the Constitution of the United

[1] "Two copies of these Resolutions are preserved among the manuscripts, both in his own handwriting," says the editor of the 1856 edition of "Jefferson's Works," IX, p. 464, note, "one is a rough draft, and the other very neatly and carefully prepared." For history of the copy used in this volume, see "Southern Bivouac," May, 1886, pp. 762–763, article by Col. R. T. Durrett. It is in the Durrett collection and is undoubtedly authentic.

States having delegated to Congress a power to punish treason, counterfeiting the securities and current coin of the United States; piracies and felonies committed on the high seas, and offences against the law of nations, and no other crimes whatsoever; and it being true as a general principle, and one of the amendments to the Constitution having also declared that, "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or the people; therefore the act of Congress passed on the 14th July, 1798, and entitled, An act in addition to the act, entitled an act for the punishment of certain crimes against the United States;" as also the act passed by them on the ——— day of June, 1798, entitled "An act to punish frauds committed on the Bank of the United States;" (and all other their acts which assume to create, define or punish crimes, other than those so enumerated in the Constitution) are altogether void and of no force, and that the power to create, define and punish such other crimes is reserved, and of right appertains solely and exclusively to the respective States, each within its own territory.

3d. *Resolved*, That it is true as a general principle and is also expressly declared, by one of the amendments to the Constitution that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, were reserved to the States respectively, or to the people; and that no power over the freedom of religion, freedom of speech, or freedom of the press being delegated to the United States, by the Constitution, nor prohibited by it to the States, all lawful powers respecting the same did of right remain, and were reserved

to the States or the people; that thus was manifested their determination to retain themselves the right of judging how far the licentiousness of speech and of the press may be abridged without lessening their useful freedom, and how far those abuses which can not be separated from their use should be tolerated, rather than the use be destroyed; and thus also they guarded against all abridgement by the United States of the freedom of religious opinions and exercises and retained to themselves the right of protecting the same; as this State, by law passed on the general demand of its citizens, had already protected them from all human restraints or interference, and that in addition to this general principle and express declaration, another and more special provision has been made by one of the amendments to the Constitution, which expressly declares that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press;" thereby guarding in the same sentence and under the same words the freedom of religion, of speech, and of the press; insomuch that whatever violates either, throws down the sanctuary which covers the others, and that libels, falsehood, and defamation equally with heresy and false religion, are withheld from the cognizance of federal tribunals, that therefore the act of Congress of the United States, passed on the 14th day of July, 1798, entitled "An act in addition to an act, entitled an act for the punishment of certain crimes against the United States," which does abridge the freedom of the press, is not law, but is altogether void and of no force.

4th. *Resolved*, That alien friends are under the jurisdiction and protection of the laws of the State wherein

they are; that no power over them has been delegated to the United States; nor prohibited to the individual States, distinct from their power over citizens; and it being true as a general principle, and one of the amendments to the Constitution having also declared, that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people," the act of the Congress of the United States, passed on the ——— day of July, 1798, entitled "An act concerning aliens," which assumes powers over alien friends not delegated by the Constitution, is not law, but is altogether void and of no force.

5th. *Resolved*, That, in addition to the general principle, as well as the express declaration, that powers not delegated are reserved, another and more special provision, inserted in the Constitution from abundant caution, has declared that "the migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808;" that this commonwealth does admit the emigration of alien friends, described as the subjects of the said act concerning aliens; that a provision against prohibiting their migration, is a provision against all acts equivalent thereto, as it would be nugatory; that, to remove them when emigrated, is equivalent to a prohibition of their migration; and is, therefore, contrary to the said provision of the Constitution and void.

6th. *Resolved*, That the imprisonment of a person under the protection of the laws of this commonwealth, on his failure to obey the simple order of the President to depart out of the United States, as is undertaken by

the said act, entitled "An act concerning aliens," is contrary to the Constitution, one amendment of which has provided that "no person shall be deprived of liberty without due process of law;" and that, another having provided that, "in all criminal prosecutions the accused shall enjoy the right to a public trial by an impartial jury; to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defence." The same act undertaking to authorize the President of the United States to remove a person out of the United States who is under the protection of the law, on his own suspicion, without accusation, without jury, without public trial, without confrontation of the witnesses against him, without hearing witnesses in his favor, without defence, without counsel, is contrary to these provisions, also, of the Constitution; is, therefore, not law, but utterly void and of no force; that, transferring the power of judging any person, who is under the protection of the law, from the courts to the President of the United States, as is undertaken by the same act concerning aliens, is against the article of the Constitution, which provides that "the judicial power of the United States shall be vested in courts, the judges of which shall hold their offices during good behavior;" and that the said act is void for that reason also; and it is further to be noted that, this transfer of judiciary power is to that magistrate of the General Government who already possesses all the executive, and a negative, on all the legislative powers.

7th. *Resolved*, That the construction applied by the General Government (as is evidenced by sundry of their

proceedings) to those parts of the Constitution of the United States, which delegate to Congress a power "To lay and collect taxes, duties, imports, and excises, to pay the debts and provide for the common defence and general welfare of the United States, and to make all laws which shall be necessary and proper for carrying into execution the powers vested by the Constitution in the Government of the United States, or in any department or offices thereof," goes to the destruction of all the limits prescribed to their power by the Constitution; that words meant by that instrument to be subsidiary only to the execution of limited powers, ought not to be so construed as themselves to give unlimited powers, nor a part to be so taken as to destroy the whole residue of that instrument; that the proceedings of the General Government under color of these articles, will be a fit and necessary subject of revisal and correction, at a time of greater tranquility, while those specified in the preceding resolutions call for immediate redress.

8th. *Resolved*, That a Committee of Conference and Correspondence be appointed, who shall have in charge to communicate the preceding resolutions to the legislature of the several States; to assure them that this commonwealth continues in the same esteem for their friendship and union which it has manifested from that moment at which a common danger first suggested a common union; that it considers union, for specified national purposes, and particularly for those specified in their late federal compact, to be friendly to the peace, happiness, and prosperity of all the States; that faithful to that compact, according to the plain intent and meaning in which it was understood and acceded to by the several

parties, it is sincerely anxious for its preservation; that it does also believe that to take from the States all the powers of self-government, and transfer them to a general and consolidated government, without regard to the special delegations and reservations solemnly agreed to in that compact, is not for the peace, happiness, or prosperity of these States; and that, therefore, this commonwealth is determined, as it doubts not its co-States are, to submit to undelegated, and consequently unlimited powers in no man or body of men, on earth; that in cases of an abuse of the delegated powers, the members of the General Government being chosen by the people, a change by the people would be the constitutional remedy; but where powers are assumed which have not been delegated, a nullification of the act is the right remedy; that every State has a natural right, in cases not within the compact, (*casus non fœderis*) to nullify of their own authority all assumptions of power by others within their limits; that without their right they would be under the dominion, absolute and unlimited, of whatsoever might exercise this right of judgment for them; that, nevertheless this commonwealth, from motives of regard and respect for its co-States, has wished to communicate with them on the subject; that with them alone it is proper to communicate, they alone being parties to the compact, and solely authorized to judge in the last resort of the powers exercised under it, Congress being not a party, but merely the creature of the compact, and subject, as to its assumption of power, to the final judgment of those by whom, and for whose use, itself and its powers were all created and modified; that, if the act before specified should stand, these conclusions would flow

from them, that the General Government may place any act they think proper on the list of crimes, and punish it themselves, whether enumerated or not enumerated by the Constitution as cognizable by them; that they may transfer its cognizance to the President, or any other person, who may himself be the accuser, counsel, judge, and jury, whose suspicions may be the evidence, his order the sentence, his officer the executioner, and his breast the sole record of the transactions; that a very numerous and valuable description of the inhabitants of these States being, by this precedent, reduced as outlaws to the absolute dominion of one man, and the barrier of the Constitution thus swept away for us all, no rampart now remains against the passions, and the power of a majority in Congress to protect from a like exportation, or other more grievous punishment, the minority of the same body, the legislatures, judges, governors, and counsellors of the States, nor their other peaceable inhabitants, who may venture to reclaim the constitutional rights and liberties of the States and people, or who for other causes, good or bad, may be obnoxious to the views, or marked by the suspicion of the President or be thought dangerous to his or their elections, or other interests, public or personal; that the friendless alien has indeed been selected as the safest subject of a first experiment, but the citizen will soon follow; rather, has already followed; for already has a sedition act marked him as its prey; that these and successive acts of the same character, unless arrested at the threshold, necessarily drive these States into revolution and blood, and will furnish new calumnies against republican governments, and new pretexts for those who wish it to be believed that man can

not be governed but by a rod of iron; that it would be a dangerous delusion were a confidence in the men of our choice to silence our fears for the safety of our rights; that confidence is every where the parent of despotism. Free government is founded in jealousy, and not in confidence; it is jealousy, and not confidence which prescribes limited constitutions, to bind down those whom we are obliged to trust with power; that our Constitution has accordingly fixed the limits to which, and no further, our confidence may go. And let the honest advocate of confidence read the alien and sedition acts, and say if the Constitution has not been wise in fixing limits to the Government it created, and whether we should be wise in destroying those limits. Let him say what the Government is, if it be not a tyranny, which the men of our choice have conferred on our President, and the President of our choice has assented to and accepted, over the friendly strangers to whom the mild spirit of our country and its laws had pledged hospitality and protection; that the men of our choice have more respected the bare suspicions of the President, than the solid rights of innocence, the claims of justification, the sacred force of truth, and the forms and substance of law and justice; in questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution; that this commonwealth does therefore, call on its co-States for an expression of their sentiments on the acts concerning aliens, and for the punishment of certain crimes hereinbefore specified; plainly declaring whether these acts are, or are not, authorized by the federal compact.

And it doubts not that their sense will be so enounced

as to prove their attachment unaltered to limited government, whether general or particular; and that the rights and liberties of their co-States will be exposed to no dangers by remaining embarked in a common bottom with their own; that they will concur with this commonwealth in considering the said acts so palpably against the Constitution as to amount to an undisguised declaration that that compact is not meant to be the measure of the powers of the general government; but that it will proceed in the exercise over these States of all powers whatsoever; that they will view this as seizing the rights of the States, and consolidating them in the hands of the general government, with a power assumed to bind the States [not merely in the cases made federal, (*casus fœderis*)] but in all cases whatsoever, by laws made, not with their consent, but by others against their consent; that this would be to surrender the form of government we have chosen, and to live under one deriving its powers from its own will and not from our authority; and that the co-States recurring to their natural right, in cases not made federal, will concur in declaring these acts void and of no force, and will each take measures of its own for providing that neither these acts, nor any others of the general government, not plainly and intentionally authorized by the Constitution, shall be exercised within their respective territories.

9th. *Resolved*, That the said committee be authorized to communicate, by writing or personal conferences, at any times or places whatever, with any person or persons who may be appointed by any one or more of the co-States to correspond or confer with them; and that they lay their proceedings before the next session of assembly.

RICHMOND, March 21, 1832.

I have carefully compared this copy with the MSS. of these resolutions in the handwriting of Thomas Jefferson, and find it a correct and full copy.

TH. JEFFERSON RANDOLPH.

Armed with these resolutions, Breckinridge returned to his home and, early in November, 1798, appeared at Frankfort for the meeting of the Legislature.

In his opening message of November 7th, Governor Garrard struck squarely at the hated Federal statutes; quite as if he were familiar with what had transpired at the recent Monticello conference.

"Constituting, as this State does," he said, "a branch of the Federal Union, it necessarily becomes a sharer in the general prosperity or adversity: and, being deeply interested in the conduct of the National Government, must have a right to applaud or to censure that Government, when applause or censure becomes its due.

"It cannot, therefore, be improper to draw your attention to sundry acts of the Federal Legislature, which having violated the Constitution of the United States—which having vested the President with high and dangerous powers, and intrenched upon the prerogatives of the individual States, have created an uncommon agitation of mind in different parts of the Union, and particularly among the citizens of this Commonwealth.

"The Act concerning Aliens is calculated to produce effects most strongly marked with injustice and oppression; because the exercise of the power given therein, depends upon the discretion, or, I may say, the caprice of an individual.

"Nothing but a general prevalence of hypocrisy, among

that numerous class of persons on whom this law is meant to operate can prevent consequences so much deprecated: for they must affect an approbation of all the measures of Government, whatever be their genuine sentiments concerning them, or, by an honest disclosure of their real opinion, expose themselves to be ruined by banishment, on the secret representations of some interested and officious informer, and without enjoying even the shadow of that trial by jury so dear to freemen.

"Nor can the same law be regarded as anything less than an artful, though effectual evasion of the provisions of that article of the Federal Constitution which withholds from Congress the power of prohibiting the migration as well as importation of such persons as the States then existing should think proper to admit, a provision of the highest importance to those States whose population is not full, and who have a strong interest in welcoming the industrious stranger from every part of the world.

"Another law the operation of which is more extensive . . . is entitled, 'An Act in Addition to the Act Entitled "An Act for the Punishment of Certain Crimes Against the United States;"' which by fencing round the different branches of Government, in their official capacity, with penal terrors, in a manner before unknown, hath created a new crime against the United States, in a case where an interference on the part of the Legislature was rendered unconstitutional, by that clause which forbids the enacting of any law abridging the freedom of speech or of the press.

"Any violation of the Constitution once acquiesced in, subverts the great palladium of our rights, and no barrier remains to oppose the introduction of despotism."

After referring to the war which "hangs over us . . . . a war by which we cannot possibly derive any advantage," and warning his hearers that Kentucky is being represented in the East as on the point of "withdrawing herself from the Union," he advises the Legislature to declare fully the firm attachment of Kentucky to the Union, and her determination to support the government in every measure authorized by the Constitution.

"Against all unconstitutional laws and impolitic proceedings," however, he urges them to enter a vigorous protest. [1]

So closely does the suggestion laid down in this message coincide with the text of the proposed resolutions that we are at a loss to tell whether the Governor had seen Jefferson's draft before writing his message, or whether the striking resemblance between the two was merely accidental. [2]

At any rate, the Governor's advice was followed, and on November 8, the day after the delivery of the message, John Breckinridge, who, by a sort of preëstablished harmony, had been appointed Chairman of a Committee of three, to whom the Governor's message was referred, presented to the House, in Committee of the Whole, a

[1] Text of this important message in "Kentucky Gazette," November 14, 1798. The next number contains the answers of the House and the Senate.

[2] The conclusion that Breckinridge had shown his projected resolutions to the Governor before this message was written is almost irresistible, in view of the fact that the Governor's message follows the specious argument, which appears in the Fifth Article of the Kentucky Resolutions, and also of Jefferson's draft. This argument pronounces the act concerning alien friends void, because it, in effect, prohibits the migration of aliens into the States, in violation of that clause of the Federal Constitution which expressly prohibits Congress from prohibiting, prior to the year 1808, the "migration or importation of such persons as any of the States now existing shall think proper to admit." This clause, as everyone knew, referred only to the importation of slaves, and it scarcely seems likely that this clumsy impeachment of the Administration laws should have been drawn in precisely the same form, by two men working independently.

series of nine resolutions, the first seven of which were, with a few verbal changes, exactly as Jefferson had written them, though the eighth and ninth were radically different from those numbered eight and nine of the Jefferson draft. This shows, of course, that Breckinridge, after receiving the resolutions from Jefferson, had made use of his right to alter them in such a way as to make them fully meet his own views, and conform to what he understood to have been agreed upon at the Monticello conference.

As these are the resolutions actually passed by the Kentucky Legislature, the famous Kentucky Resolutions of 1798, the original foundation upon which the nullifiers of later date claimed to have reared their superstructure of State sovereignty and nullification, and as inexact texts have frequently been made use of by political writers upon the subject,[1] it seems advisable again to resort to fac-simile reproduction. The following is taken from one of a thousand copies sent out by order of the Legislature immediately after their adoption. [2]

These resolutions were considered in the Committee of the Whole for two days and, on the 10th of November, were reported to the House. They excited little debate, as the sentiment was almost unanimous in favor of them.

[1] Even Elliot's "Debates" strangely omits from the first resolution of the series the significant words, "its co-states forming as to itself, the other party," which should follow the words, "That to this compact each state acceded as a state, and is an integral party." It also gives November 19, 1798, instead of November 16, 1798, as the date of Governor Garrard's approval of the Resolutions. Elliot's "Debates," 1861 Ed., IV, p. 544.

[2] The original is in the Durrett collection. For its history and proofs of its authenticity, see Col. R. T. Durrett's article in the "Southern Bivouac" of May, 1886, pp. 762–763. Another copy, accompanied by a letter of Harry Toulmin, Governor Garrard's Secretary of State, is preserved in the State Department of Massachusetts.

KENTUCKY LEGISLATURE.

In the House of Representatives,

NOVEMBER 10*th*. 1798.

THE HOUSE according to the ſtanding Order of the Day, reſolved itſelf into a Committee of the Whole on the ſtate of the Commonwealth,

Mr. CALDWELL in the Chair,

And after ſometime ſpent therein the Speaker reſumed the Chair, and Mr. Caldwell reported, that the Committee had according to order had under conſideration the Governor's Addreſs, and had come to the following RESOLUTIONS thereupon, which he delivered in at the Clerk's table, where they were twice read and agreed to by the Houſe.

I. RESOLVED, that the ſeveral ſtates compoſing the United States of America, are not united on the principle of unlimited ſubmiſſion to their General Government; but that by compact under the ſtyle and title of a Conſtitution for the United States and of amendments thereto, they conſtituted a General Government for ſpecial purpoſes, delegated to that Government certain definite powers, reſerving each ſtate to itſelf, the reſiduary maſs of right to their own ſelf Government; and that whenſoever the General Government aſſumes undelegated powers, its acts are unauthoritative, void, and of no force: That to this compact each ſtate acceded as a ſtate, and is an integral party, its co-ſtates forming as to itſelf, the other party: That the Government created by this compact was not made the exclusive or final *judge* of the extent of the powers delegated to itſelf; ſince that would have made its diſcretion, and not the conſtitution, the meaſure of its powers; but that as in all other caſes of compact among parties having no common Judge, each party has an equal right to judge for itſelf, as well of infractions as of the mode and meaſure of redreſs.

II. Reſolved, that the Conſtitution of the United States having delegated to Congreſs a power to puniſh treaſon, counterfeiting the ſecurities and current coin of the United States, piracies and felonies committed on the High Seas, and offences againſt the laws of nations, and no other crimes whatever, and it being true as a general principle, and one of the amendments to the Conſtitution having alſo declared, "that the powers not delegated to the United States by the Conſtitution, nor prohibited by it to the ſtates, are reſerved to the ſtates reſpectively, or to the people," therefore alſo the ſame act of Congreſs paſſed on the 14th day of July, 1798, and entitled "An act in addition to the act entitled an act for the puniſhment of certain crimes againſt the United States;" as alſo the act paſſed by them on the 27th day of June, 1798, entitled "An act to puniſh frauds committed on the Bank of the United States" (and all other their acts which aſſume to create, define, or puniſh crimes other than thoſe enumerated in the conſtitution) are altogether void and of no force, and that the power to create, define, and puniſh ſuch other crimes is reſerved, and of right appertains ſolely and excluſively to the reſpective ſtates, each within its own Territory.

III. Reſolved, that it is true as a general principle, and is alſo expreſsly declared by one of the amendments to the Conſtitution that "the powers not delegated to the United States by the Conſtitution, nor prohibited by it to the ſtates, are reſerved to the ſtates reſpectively or to the people;" and that no power over the freedom of religion, freedom of ſpeech, or freedom of the preſs being delegated to the United States by the Conſtitution, nor prohibited by it to the ſtates, all lawful powers reſpecting the ſame did of right remain, and were reſerved to the ſtates, or to the people: That thus was manifeſted their determination to retain to themſelves the right of judging how far the licentiouſneſs of ſpeech and of the preſs may be abridged without leſſening their uſeful freedom, and how far thoſe abuſes which cannot be ſeparated from their uſe, ſhould be tolerated rather than the uſe be deſtroyed; and thus alſo they guarded againſt all abridgement by the United States of the freedom of religious opinions and exerciſes, and retained to themſelves the right of protecting the ſame, as this ſtate by a Law paſſed on the general demand of its Citizens, had already protected them from all human reſtraint or interference: And that in addition to this general principle and expreſs declaration, another and more ſpecial proviſion has been made by one of the amendments to the Conſtitution which expreſsly declares, that "Congreſs ſhall make no law reſpecting an Eſtabliſhment of religion, or prohibiting the free exerciſe thereof, or abridging the freedom of ſpeech, or of the preſs," thereby guarding in the ſame ſentence, and under the ſame words, the freedom of religion, of ſpeech, and of the preſs, inſomuch, that whatever violates either, throws down the ſanctuary which covers the others, and that libels, falſehoods, and defamation, equally with herefy and falſe religion, are withheld from the cognizance of federal tribunals. That therefore the act of the Congreſs of the United States paſſed on the 14th day of July 1798, entitled "An act in addition to the act for the puniſhment of certain crimes againſt the United States," which does abridge the freedom of the preſs, is not law, but is altogether void and of no effect.

IV. Reſolved, that alien friends are under the juriſdiction and protection of the laws of the ſtate wherein they are; that no power over them has been delegated to the United States, nor prohibited to the individual ſtates diſtinct from their power over citizens; and it being true as a general principle, and one of the amendments to the Conſtitution having alſo declared, that "the powers not delegated to the United States by the Conſtitution nor prohibited by it to the ſtates are reſerved to the ſtates reſpectively or to the people," the act of the Congreſs of the United States paſſed on the 22d day of June, 1798, entitled "An act concerning aliens," which aſſumes power over alien friends not delegated by the Conſtitution, is not law, but is altogether void and of no force.

V. Reſolved, that in addition to the general principle as well as the expreſs declaration, that powers not delegated are reſerved, another and more ſpecial proviſion inſerted in the Conſtitution from abundant caution has declared, "that the *migration* or importation of ſuch perſons as any of the ſtates now exiſting ſhall think proper to admit, ſhall not be prohibited by the Congreſs prior to the year 1808." That this Commonwealth does admit the migration of alien friends deſcribed as the ſubject of the ſaid act concerning aliens; that a proviſion againſt prohibiting their migration, is a proviſion againſt all acts equivalent thereto, or it would be nugatory; that to remove them when migrated is equivalent to a prohibition of their migration, and is therefore contrary to the ſaid proviſion of the Conſtitution, and void.

VI. Reſolved, that the impriſonment of a perſon under the protection of the Laws of this Commonwealth on his failure to obey the ſimple *order* of the Preſident to depart out of the United States, as is undertaken by the ſaid act entitled "An act concerning Aliens," is contrary to the Conſtitution, one amendment to which has provided, that "no perſon ſhall be deprived of liberty without due proceſs of law," and that another having provided "that in all criminal proſecutions, the accuſed ſhall enjoy the right to a public trial by an impartial jury, to be informed of the nature and cauſe of the accuſation, to be confronted with the witneſſes againſt him, to have compulſory proceſs for obtaining witneſſes in his favour, and to have the aſſiſtance of counſel for his defence," the ſame act undertaking to authorize the Preſident to remove a perſon out of the United States who is under the protection of the Law, on his own ſuſpicion, without accuſation, without jury, without public trial, without confrontation of the witneſſes againſt him, without having witneſſes in his favour, without defence, without counſel, is contrary to theſe proviſions alſo of the Conſtitution.

Reduced fac-simile of the original text of the Kentucky Resolutions of 1798, as printed and distributed by order of the Legislature

is therefore not law but utterly void and of no force.

That transferring the power of judging any perſon who is under the protection of the laws, from the Courts to the Preſident of the United States, as is undertaken by the ſame act concerning Aliens, is againſt the article of the Conſtitution which provides, that "the judicial power of the United States ſhall be veſted in Courts, the Judges of which ſhall hold their offices during good behaviour," and that the ſaid act is void for that reaſon alſo; and it is further to be noted, that this tranſfer of Judiciary power is to that magiſtrate of the General Government who already poſſeſſes all the Executive, and a qualified negative in all the Legiſlative powers.

VII. Reſolved, that the conſtruction applied by the General Government (as is evinced by ſundry of their proceedings) to thoſe parts of the Conſtitution of the United States which delegate to Congreſs a power to lay and collect taxes, duties, impoſts, and exciſes; to pay the debts, and provide for the common defence, and general welfare of the United States, and to make all laws which ſhall be neceſſary and proper for carrying into execution the powers veſted by the Conſtitution in the Government of the United States, or any department thereof, goes to the deſtruction of all the limits preſcribed to their power by the Conſtitution—That words meant by that inſtrument to be ſubſidiary only to the execution of the limited powers, ought not to be ſo conſtrued as themſelves to give unlimited powers, nor a part ſo to be taken, as to deſtroy the whole reſidue of the inſtrument: That the proceedings of the General Government under colour of theſe articles, will be a fit and neceſſary ſubject for reviſal and correction at a time of greater tranquility, while thoſe ſpecified in the preceding reſolutions call for immediate redreſs.

VIII. Reſolved, that the preceding Reſolutions be tranſmitted to the Senators and Repreſentatives in Congreſs from this Commonwealth, who are hereby enjoined to preſent the ſame to their reſpective Houſes, and to uſe their beſt endeavours to procure at the next ſeſſion of Congreſs, a repeal of the aforeſaid unconſtitutional and obnoxious acts.

IX. Reſolved laſtly, that the Governor of this Commonwealth be, and is hereby authoriſed and requeſted to communicate the preceding Reſolutions to the Legiſlatures of the ſeveral States, to aſſure them that this Commonwealth conſiders Union for ſpecified National purpoſes, and particularly for thoſe ſpecified in their late Federal Compact, to be friendly to the peace, happineſs, and proſperity of all the ſtates: that faithful to that compact, according to the plain intent and meaning in which it was underſtood and acceded to by the ſeveral parties, it is ſincerely anxious for its preſervation: that it does alſo believe, that to take from the ſtates all the powers of ſelf government, and transfer them to a general and conſolidated Government, without regard to the ſpecial delegations and reſervations ſolemnly agreed to in that compact, is not for the peace, happineſs, or proſperity of theſe ſtates: And that therefore, this Commonwealth is determined, as it doubts not its Co-ſtates are, tamely to ſubmit to undelegated & conſequently unlimited powers in no man or body of men on earth: that if the acts before ſpecified ſhould ſtand, theſe concluſions would flow from them; that the General Government may place any act they think proper on the liſt of crimes & puniſh it themſelves, whether enumerated or not enumerated by the Conſtitution as cognizable by them: that they may tranſfer its cognizance to the Preſident or any other perſon, who may himſelf be the accuſer, counſel, judge, and jury, whoſe *ſuſpicions* may be the evidence, his order the ſentence, his officer the executioner, and his breaſt the ſole record of the tranſaction: that a very numerous and valuable deſcription of the inhabitants of theſe ſtates, being by this precedent reduced as outlaws to the abſolute dominion of one man and the barrier of the Conſtitution thus ſwept away from us all, no rampart now remains againſt the paſſions and the power of a majority of Congreſs, to protect from a like exportation or other more grievous puniſhment the minority of the ſame body, the legiſlatures, Judges, Governors, & Counſellors of the ſtates, nor their other peaceable inhabitants who may venture to reclaim the conſtitutional rights & liberties of the ſtates & people, or who for other cauſe, good or bad, may be obnoxious to the views or marked by the ſuſpicions of the Preſident, or be thought dangerous to his or their elections or other intereſts public or perſonal: that the friendleſs alien has indeed been ſelected as the ſafeſt ſubject of a firſt experiment: but the citizen will ſoon follow, or rather has already followed: for, already has a Sedition Act marked him as its prey: that theſe and ſucceſſive acts of the ſame character, unleſs arreſted on the threſhold, may tend to drive theſe ſtates into revolution and blood, and will furniſh new calumnies againſt Republican Governments, and new pretexts for thoſe who wiſh it to be believed, that man cannot be governed but by a rod of iron: that it would be a dangerous deluſion were a confidence in the men of our choice to ſilence our fears for the ſafety of our rights: that confidence is every where the parent of deſpotiſm: free government is founded in jealouſy and not in confidence; it is jealouſy, and not confidence which preſcribes limited Conſtitutions to bind down thoſe whom we are obliged to truſt with power: that our Conſtitution has accordingly fixed the limits to which and no further our confidence may go; and let the honeſt advocate of confidence read the Alien and Sedition Acts, and ſay if the Conſtitution has not been wiſe in fixing limits to the Government it created, and whether we ſhould be wiſe in deſtroying theſe limits? Let him ſay what the Government is if it be not a tyranny, which the men of our choice have conferred on the Preſident, and the Preſident of our choice has aſſented to and accepted over the friendly ſtrangers, to whom the mild ſpirit of our Country and its laws had pledged hoſpitality and protection: that the men of our choice have more reſpected the bare ſuſpicions of the Preſident than the ſolid rights of innocence, the claims of juſtification, the ſacred force of truth, and the forms & ſubſtance of law and juſtice. In queſtions of power then let no more be heard of confidence in man, but bind him down from miſchief by the chains of the Conſtitution. That this Commonwealth does therefore call on its Co-ſtates for an expreſſion of their ſentiments on the acts concerning Aliens, and for the puniſhment of certain crimes herein before ſpecified, plainly declaring whether theſe acts are or are not authoriſed by the Federal Compact: And it doubts not that their ſenſe will be ſo announced as to prove their attachment unaltered to limited Government, whether general or particular, and that the rights and liberties of their Co-ſtates will be expoſed to no dangers by remaining embarked on a common bottom with their own: That they will concur with this Commonwealth in conſidering the ſaid acts as ſo palpably againſt the Conſtitution as to amount to an undiſguiſed declaration, that the Compact is not meant to be the meaſure of the powers of the General Government, but that it will proceed in the exerciſe over theſe ſtates of all powers whatſoever: That they will view this as ſeizing the rights of the ſtates and conſolidating them in the hands of the General Government with a power aſſumed to bind the ſtates (not merely in caſes made federal) but in all caſes whatſoever, by laws made, not with their conſent, but by others againſt their conſent: That this would be to ſurrender the form of Government we have choſen, and to live under one deriving it powers from its own will, and not from our authority; and that the Co-ſtates recurring to their natural right in caſes not made federal, will concur in declaring theſe acts void and of no force, and will each unite with this Commonwealth in requeſting their repeal at the next ſeſſion of Congreſs.

EDMUND BULLOCK, S. H. R.
JOHN CAMPBELL, S. S. P. T.

Paſſed the Houſe of Repreſentatives, Nov. 10th, 1798.

Atteſt, THOMAS TODD, C. H. R.

IN SENATE, November 15th, 1798, unanimously concurred in.

Atteſt, B. THRUSTON, Clk. Sen.

Approved November 16th, 1798.

JAMES GARRARD, G. K.

BY THE GOVERNOR,
HARRY TOULMIN,
Secretary of State.

The staunch Federalist, William Murray, of Franklin County, exerted all his forensic power to create a sentiment against them: but to no purpose. He pointed out, in a convincing manner, the fact that the people of the nation, and not the State Legislatures, are the legally constituted censors of the Federal Government. The people of the nation, the several individuals composing the States, he declared, not the States themselves, are the parties to the Federal compact. "Is there any clause, either in the Federal, or in the State Constitution, which delegates the power reserved by the people to their State Legislature. . . . Because the Constitution of the United States has been violated, will you violate your own Constitution? Where is the clause which has given you censorship? Where is the clause which has authorized you to repeal or declare void, the laws of the United States? . . . It is the people only that have a right to inquire whether Congress hath exceeded its powers; it is the people only that have a right to appeal for redress. To the General Assembly is delegated merely State powers. The authority to determine that a law is void is lodged with the Judiciary" of the United States.

In such an audience, the overwhelming sentiment was too obvious for an elaborate defence of the resolutions to be necessary, and Breckinridge's reply is the reply of a man who knows that his case is already won. He felt that he was occupying historic ground, and presenting an interpretation of the Federal compact which was generally accepted, when he said, "I consider the co-States to be alone parties to the Federal compact, and solely authorized to judge, in the last resort, of the power exercised under that compact, Congress being not a party, but merely the

creature of the compact, and subject, as to its assumptions of power, to the final judgment of those by whom and for whose use, itself and its powers were all created. I do not consider Congress, therefore, the lords and masters of the State, but as their servants. . . . And after all, who are the Judiciary, the body in which the Gentleman places such unbounded confidence? Who are they, but a part of the servants of the people, created by the Federal compact? And if the servants of the people have a right, is it good reasoning to say that the people, by whom and for whose benefit both they and the Government were created, are destitute of that right? Or that the people's representatives, emanating immediately from the people, have nothing to do but to behold in silence the most flagrant violations of their rights, and bow in silence to any power that may attempt to oppress them? What line of conduct, then, does the Gentleman recommend? If the States be already reduced to that deplorable situation, that they have no right to remonstrate with men who may meditate their annihilation, it is time that we should retire to our homes and mournfully prepare for a fate which we are destined to submit to.

"But the Committee, I trust, are actuated by other and nobler principles, and instead of taking exceptions . . . to the jurisdiction of this committee, will take up the resolutions and examine them, one by one. Should they deem those laws constitutional, I doubt not they will reject the resolutions; but if they think otherwise, they cannot object to so moderate and peaceable a measure as that of addressing the sister States.[1] We do not pretend to set

[1] "Addressing the sister States" is vastly different from nullifying a Federal law, so often said to be the teaching of Breckinridge's "Resolutions."

ourselves up as censors for the Union; but we will firmly express our own opinions, and call upon the other States to examine their political situation. I do aver . . . that the great political truths contained in those Resolutions cannot be controverted until republicanism and its votaries become extinct."[1]

The resolutions were adopted the same day, November, 10th, without a division, and practically, without amendment.[2] They were then sent to the Senate, where they were unanimously adopted and, three days later, November 16, Governor Garrard approved them.

Thus, without excitement, and almost without opposition, did the Kentucky Legislature adopt the most significant and far-reaching measure recorded in the annals of the Commonwealth, for not only did it constitute an important step in Jefferson's well-laid plans for wresting the control of the Federal Government from the hands of the triumphant Federalists, but it established the starting point for the aggressive doctrine of State sovereignty and nullification.

It established *only* the starting point, however, for from all the facts in the case, it is quite evident that neither Breckinridge, nor the Kentucky Legislature which passed these resolutions, intended to set up the contention that a single State may nullify a Federal law. The word nul-

[1] We have, of course, no verbatim reports of any of the speeches, but full summaries of those of Murray and Breckinridge are preserved in the newspapers of the period, e. g., "Frankfort Palladium," of November 13 and 20, 1798.

[2] The amendments agreed to were as follows: "In the last line but one of the Sixth Resolution, before the word 'negative,' it was agreed to insert 'qualified.' In the Ninth Resolution, twenty-fifth line, after the word 'are,' it was agreed to insert 'tamely'; and in the Ninth Resolution, sixty-seventh line, for 'necessarily,' it was agreed to substitute 'may tend to.'" The "Frankfort Palladium," November 13, 1798.

lify nowhere appears in the document, and the idea of nullification by a single State is carefully excluded.

It is true that Jefferson, in his draft of the resolutions, explicitly states, "that every State has a natural right, in cases not within the compact, (*casus non fœderis*) to nullify of their own authority all assumptions of power by others within their limits;" [1] but this clause Breckinridge removed from the resolutions before introducing them into the Kentucky Legislature, and it never came before that body. The same is true in the case of the words, of similar import, with which the eighth article of the Jefferson draft closed: viz.: "that the co-States recurring to their natural right, in cases not made federal, will concur in declaring these acts void and of no force, and will each *take measures of its own for providing that neither these acts, nor any others of the general government, not plainly and intentionally authorized by the Constitution, shall be exercised within their respective territories.*" [2] Had Breckinridge contemplated proclaiming any such doctrine as that so clearly expressed in these words of Jefferson, he would certainly have retained them, as he did retain the most of what Jefferson had prepared for his use. Instead, he carefully excluded them, and in the last clause of his Ninth Resolution, asked, "that the Co-States recurring to their natural right in cases not made federal, will concur in declaring these acts void and of no force, and will each *unite with this Commonwealth in requesting their repeal at the next session of Congress.*" In the debate over the pending resolutions, Breckinridge made clear what kind of nullification he had in mind, and it was in the light of

[1] "Jefferson Draft," Article 8.
[2] Ibid., Article 8, final clause.

this explanation that the Kentucky Legislature adopted the resolutions.

"If," he said, "upon the representations of the States from which they derive their powers, they [Congress] should, nevertheless, attempt to enforce them [the acts in question], I hesitate not to declare it as my opinion, that it is then the right and duty of the several States to nullify these acts and to protect their citizens from their operation. But I hope and trust such an event will never happen, and that Congress will always have sufficient virtue, wisdom, and prudence, upon the representation of a majority of the States, to expunge all obnoxious laws whatever."

The inference is clear that Breckinridge, and with him, the Kentucky Legislature, intended these resolutions to mean that if a majority of the States deemed an act of Congress unconstitutional and oppressive, and petitioned Congress for its repeal, and Congress still persisted in the obnoxious law, it would then be the duty of that majority of States to declare that law void, and to protect their citizens from its operation. To read more than this into the Kentucky Resolutions of 1798 is to violate fair and equitable canons of interpretation, and this is a very different doctrine from the doctrine that a single State may nullify a Federal law.[1]

It is, therefore, fair to say that, while *the Jefferson draft* of the resolutions does clearly embody the doctrine of nullification, exemplified by South Carolina in 1832, no such doctrine can be found in *the Kentucky Resolutions of 1798*. They clearly assert the doctrine of States' rights,

[1] For elaboration of this line of argument, see "Southern Bivouac" of May, 1886, article by Col. R. T. Durrett.

but they look only to the repeal of unconstitutional laws passed by the Federal Government; while *the Jefferson draft* looks clearly to the nullification of such acts, and that by a single State of the Union. *The Jefferson draft*, therefore, and *not the Kentucky Resolutions*, must stand as the logical antecedent of the South Carolina doctrine of nullification by a single State. But *the Kentucky Resolutions of* 1798, undoubtedly stand as the classical exposition of the compact theory of the Constitution, and, as such, they remained for two generations the standard of orthodoxy for the Democratic party.

Having thus proclaimed her views with reference to State and Nation, Kentucky waited to learn what response the co-States would make to her bold resolutions, and it was not long before these replies began to arrive.[1]

The little State of Delaware was the first to answer, curtly characterizing the Kentucky Resolutions, "as a very unjustifiable interference with the General Government, and constituted authorities of the United States, and of dangerous tendency, and, therefore, not fit subjects for further consideration of this General Assembly."

Rhode Island replied that while, in her opinion, "the Sedition and Alien Laws (so called), . . . are within the powers delegated to Congress," the Constitution "vests in the Federal courts, exclusively, and in the Supreme Court of the United States, ultimately, the authority of deciding on the constitutionality of any act or law of the Congress of the United States."

Massachusetts sent a long argument attempting to

[1] Full text of all the replies, Elliot's "Debates," 1861 Ed., IV, pp. 532–539; Niles "Register," Supplement to Vol. XLIII, Baltimore, Franklin Press, May, 1833.

prove that the Alien and Sedition laws were not only authorized by the Constitution, but demanded by the pressing needs of the times. She also pointed out that to the Supreme Court alone, is given the right to decide questions of constitutionality.

New York denounced the Kentucky Resolutions as, "inflammatory and pernicious," and disclaimed any right "to supervise the acts of the General Government."

Over two months then elapsed before the fifth reply, that of Connecticut, was received, and it was also an uncompromising condemnation.

It was followed, a few weeks later, by a curt and somewhat menacing resolution from New Hampshire, declaring "a firm resolution to maintain and defend the Constitution of the United States . . . against every aggression, either foreign or domestic;" and pointing out that the duty of deciding upon the constitutionality of Federal laws, "is properly and exclusively confided to the Judicial Department."

The last reply was from the new State of Vermont. It declared the Resolutions "unconstitutional in their nature, and dangerous in their tendency," and repeated the statement that it belongs not to State Legislatures, but to the Federal courts, to decide upon the constitutionality of Federal laws.

Pennsylvania, New Jersey, Maryland, North Carolina, Tennessee, South Carolina and Georgia all maintained a discreet silence.

Virginia, alone, of all the States of the Union, took her place by the side of Kentucky, not, however, by way of reply, but by open coöperation, as the Monticello confer-

ence had decided she should. Madison, if not a member of that conference, at least was a party to its plans. He, like Breckinridge, had received a copy of the Jefferson draft for use in his own Legislature. Like Breckinridge, also, he had exercised the right to alter it and, in a greatly modified form,[1] had secured its introduction into the Virginia Legislature, where it was readily adopted.

Although milder in tone than the preceding Resolutions of Kentucky, these Virginia Resolutions took much the same ground. "In case of a deliberate, palpable and dangerous exercise of other powers, not granted by the said compact, the States, who are parties thereto, have the right, and are in duty bound, to interpose, for arresting the progress of the evil, and for maintaining, within their respective limits, the authorities, rights, and liberties, appertaining to them." They declare that the Alien and Sedition Acts are unconstitutional, but against them go only the length of praying the co-States, "that the necessary and proper measures will be taken by each for coöperating with this State, in maintaining unimpaired, the authorities, rights, and liberties, reserved to the States respectively, or to the people." This, likewise, is vastly different from the proposition that a single State alone may nullify a Federal law, which doctrine, although it is the logical outcome of Jefferson's original draft of the Resolutions of 1798, is not

[1] Madison had completely rewritten the "Resolutions" and given them to John Tyler to introduce into the Virginia House of Burgesses. They had been passed, on December 24, 1798, by the House. The Senate and the Governor had at once approved them, and they had been circulated just as those of Kentucky had been. Text of the "Virginia Resolutions" of 1798, Elliot's "Debates," 1861 Ed., IV, pp. 528–529. For Madison's Report on the "Virginia Resolutions," an argument in reply to the objections urged against them by the various States who returned answers; Ibid., pp. 546–580, also Niles "Register," Supplement to Vol. XLIII.

that of either the Kentucky or the Virginia Resolutions as finally adopted by the Legislatures of those States.

Although Jefferson's plan, to have the Legislatures of such States, as still remained Republican, pass resolutions censuring the Administration for the enactment of the Alien and Sedition Acts, had thus succeeded in only two States, the object which he felt to be the most important, had been accomplished. The country was fully aroused to the principles underlying the hated laws, and petitions for their repeal poured into Congress. These petitions were referred to a committee, which promptly reported adversely. The Republicans, of course, appreciated that this report would be passed by a party vote, but they were resolved to attract as much attention as possible to the rejection of the petitions, by vigorously debating every point which could be raised. The Federalists were as anxious to prevent debate, and to pass the report quietly. Jefferson, in a letter to Madison tells the story of the conflict which took place in the House over the matter.[1]

"Yesterday witnessed a scandalous scene in the House of Representatives. It was the day for taking up the report of their committee against the Alien and Sedition Laws, etc. They held a caucus and decided that not a word should be spoken on their side, in answer to anything that might be said on the other. Gallatin took up the Alien, and Nicholas,[2] the Sedition Law, but after a little while of common silence, they began to enter into loud conversations, laugh, cough, etc., so that for the last hour of these gentlemen's speaking, they must have had the lungs of a vendue master

[1] Randall's "Jefferson," 1858 Ed., II, p. 479. The letter is dated February 26, 1799.

[2] John Nicholas, of Virginia.

to have been heard. Livingston, however, attempted to speak. But after a few sentences, the Speaker called him to order, and told him what he was saying was not to the question. It was impossible to proceed. The question was taken and carried in favor of the report, fifty-two to forty-eight."

The effect of this, and of similar unwise attempts on the part of the Federalists to avoid the discussion of their laws, while, at the same time, declining to repeal them, could not fail to weaken their cause, and Jefferson was politician enough to see that publicity was given to every fact which could influence public opinion. "The materials now bearing on the public mind," he wrote, in February, 1799,[1] "will infallibly restore it to its republican soundness, in the course of the present summer, if the knowledge of the facts can only be disseminated among the people."

Jefferson returned to Monticello at the close of the session, and at once began arranging to have Kentucky and Virginia repeat the declarations laid down in the resolutions of the previous year. On September 5, he wrote to Col. W. C. Nicholas,[2] then in Kentucky, suggesting the line of action which he, in consultation with Madison, deemed it desirable that both Virginia and Kentucky should adopt, in reply to the opinions recently sent them by other States. To be silent, he argued, might seem too much like placidly acquiescing in those opinions. "Virginia and Kentucky should pursue the same track on this

[1] Jefferson to Archibald Stuart, February 13, 1799, "Jefferson's Works," Memorial Ed., 1903, X, p. 104.

[2] "Jefferson's Works," Memorial Ed., 1903, X, pp. 130–132. A previous note, dated Monticello, August 26, 1799, mentions the desire for Kentucky and Virginia to act together. Ibid., p. 129.

occasion." They should answer "the reasonings of such of the States as have ventured into the field of reason, and that of the Committee of Congress, taking some notice, too, of those States who have either not answered at all, or answered without reasoning." They should express warm attachment to the Union, and declare themselves, "willing to look on with indulgence, and wait with patience, till those passions and delusions shall have passed over, which the Federal Government have artfully excited to cover its own abuses, and conceal its designs; fully confident that the good sense of the American people, and their attachment to those rights which we are now vindicating, will, before it shall be too late, rally with us, round the true principles of our Federal compact. . . ."

This letter, though written to Nicholas, was, of course, intended for the Republican leaders of Kentucky and Virginia, and the program therein outlined was followed at the opening of the Kentucky Legislature, in November, though the leaders showed, by the form and substance given to their resolution, that again, as in 1798, they had their own ideas as to what was best.

The leadership in this case, as in the last, fell to John Breckinridge, now Speaker of the Kentucky House of Representatives, and, in a letter to Jefferson, written several weeks later,[1] he explains just what took place. "I took the liberty," he says, "by the last post, of inclosing to you the proceedings of our Legislature (now in Session) in support of their Resolutions, of the last Session, respecting the Alien and Sedition Laws. It was at the opening of the Session concluded to make no reply, but, lest an im-

[1] December 9, 1799. Quoted by Warfield, "Kentucky Resolutions of 1798," pp. 122–123.

proper construction should be put on silence, we drew up the paper which I inclosed you. In the lower House (of which I am a member), there was not a dissenting voice. In the Senate, there was considerable division, particularly on that sentence which declares 'a nullification of those acts by the States to be the rightful remedy.'[1] It has so happened that what little Federal influence exists among us, is, at present, concentrated in the Senate. The election of Senators in every district under our new Constitution, and which must be made viva voce, by the people, instead of by electors, will extinguish even this little influence. The great mass of the people are uncontaminated and firm, and as all appointments now flow from the people, those who hold sentiments contrary to theirs, will be discarded."

What Breckinridge does not tell is the fact that this document had been drawn and presented by himself.

These Resolutions of 1799, so called, consist of a general response to the States which sent negative replies to the resolutions of the previous year, and a single resolution, firmly reasserting the principles of those former resolutions, but also containing the following nullification words, not found in them:

"That the several states who formed that instrument (the Constitution), being sovereign and independent, have the unquestionable right to judge of its infraction; and

[1] The exact phraseology of the clause here referred to is: "That a nullification, by those sovereignties, of all unauthorized acts done under colour of that instrument, is the rightful remedy." John Pope had tried to persuade the Senate to strike out the above phrase and insert in its place the words, "the right of remonstrating and protesting against such law, belong to the States." This amendment had been carried in the committee, but rejected by the Senate by a majority of only one, the original phrase with its clear nullification sentiment having been thus restored.

that a nullification, by those sovereignties, of all unauthorized acts done under colour of that instrument, is the rightful remedy."

Even these words, it will be observed, fall far short of the South Carolina doctrine, or even that avowed in the Jefferson draft of the Resolutions of 1798. Those assert the right of a single State to nullify a Federal law; this, of "the several States who formed that instrument." It is the difference between one and many: or, if we interpret the meaning of the Resolutions of 1799 as we interpreted the meaning of those of 1798, by the speech of Breckinridge, it is the difference between nullification by a single State, and nullification by a majority of all the sovereign States: for the nearest that Breckinridge approaches to the doctrine of nullification, as asserted by Mr. Jefferson, was in the declaration that a majority of the States may declare null and void an act of Congress plainly unauthorized by the Constitution.

That this was Kentucky's theory upon the subject was clearly proved when, a majority of the States having failed to approve her position, the Resolution of 1799 closed with the perfectly lawful declaration: "That altho' this commonwealth, as a party to the federal compact, will bow to the laws of the Union, yet it does at the same time declare, that it will not now, nor ever hereafter, cease to oppose in a constitutional manner every attempt from what quarter soever offered, to violate that compact." Against the laws which the co-States have refused to nullify, she simply enters her "Solemn Protest."

To bow to the laws of the Union which the co-States refuse to nullify, and to content herself with opposing them in a constitutional manner, and to solemnly protest against

them, is a very different conception from that upon which South Carolina acted in 1832.

Having passed the House and Senate, and having received the approval of the Governor, the Resolutions of 1799, were sent forth to the Legislatures of the co-States. The text here given is taken from one of eight hundred copies printed for distribution by order of the Kentucky Legislature, immediately after their adoption.[1]

KENTUCKY LEGISLATURE

In the House of Representatives, November 14, 1799

The house, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Desha in the chair, and after some time spent therein the speaker resumed the chair, and Mr. Desha reported that the committee had taken under consideration sundry resolutions passed by several state legislatures on the subject of the alien and sedition laws, and had come to a resolution thereupon, which he delivered in at the clerk's table, where it was read and unanimously agreed to by the house, as follows:

The representatives of the good people of this commonwealth in general assembly convened, having maturely considered the answers of sundry states in the Union, to their resolutions passed at the last session, respecting certain unconstitutional laws of Congress, commonly called the alien and sedition laws, would be faithless indeed to themselves, and to those they represent, were they silently to acquiesce in the principles and doctrines attempted to

[1] Original, Durrett collection.

be maintained in all those answers, that of Virginia only excepted. To again enter the field of argument, and attempt more fully or forcibly to expose the unconstitutionality of those obnoxious laws would, it is apprehended, be as unnecessary as unavailing. We cannot however but lament, that in the discussion of those interesting subjects, by sundry legislatures of our sister states, unfounded suggestions, and uncandid insinuations, derogatory of the true character and principles of the good people of this commonwealth, have been substituted in place of fair reasoning and sound argument. Our opinions on those alarming measures of the general government, together with our reasons for those opinions, were detailed with decency & with temper, and submitted to the discussion and judgment of our fellow citizens throughout the Union. Whether the like decency and temper have been observed in the answers of most of those States who have denied or attempted to obviate the great truths contained in those resolutions, we have now only to submit to a candid world. Faithful to the true principles of the federal union, unconscious of any designs to disturb the harmony of that union, and anxious only to escape the fangs of depotism, the good people of this commonwealth are regardless of censure or calumniation. Lest however the silence of this commonwealth should be construed into an acquiescence in the doctrines and principles advanced and attempted to be maintained by the said answers, or lest those of our fellow citizens throughout the Union, who so widely differ from us on these important subjects, should be deluded by the expectation that we shall be deterred from what we conceive our duty; or shrink from the principles contained in those resolutions; therefore

Resolved, That this commonwealth considers the federal union, upon the terms and for the purposes specified in the late compact, as conducive to the liberty and happiness of the several States: That it does now unequivocally declare its attachment to the Union, and to that compact, agreeable to its obvious and real intention, and will be among the last to seek its dissolution: That if those who administer the general government be permitted to transgress the limits fixed by that compact, by a total disregard to the special delegations of power therein contained, an annihilation of the state governments and the erection upon their ruins, of a general consolidated government, will be the inevitable consequence: That the principle and construction contended for by sundry of the State legislatures, that the general government is the exclusive judge of the extent of the powers delegated to it, stop nothing short of despotism; since the *discretion* of those who administer the government, and not the *constitution*, would be the measure of their powers: That the several states who formed that instrument, being sovereign and independent, have the unquestionable right to judge of its infraction; and that a nullification, by those sovereignties, of all unauthorized acts done under colour of that instrument, is the rightful remedy: That this commonwealth does upon the most deliberate reconsideration declare, that the said alien and sedition laws, are in their opinion, palpable violations of the said constitution; and however chearfully it may be disposed to surrender its opinion to a majority of its sister states in matters of ordinary or doubtful policy; yet, in momentous regulations like the present, which so vitally wound the best rights of the citizen, it would consider a silent acquiescence as highly criminal: That altho' this com-

monwealth as a party to the federal compact, will bow to the laws of the Union, yet it does at the same time declare, that it will not now, nor ever hereafter, cease to oppose in a constitutional manner every attempt from what quarter soever offered, to violate that compact: AND FINALLY, in order that no pretexts or arguments may be drawn from a supposed acquiescence on the part of this commonwealth in the constitutionality of those laws, and be thereby used as precedents for similar future violations of the federal compact; this commonwealth does now enter against them, its solemn protest.

There can be no doubt that the doctrine of nullification, by a majority of the co-States, represented the deliberate judgment of the Kentuckians of that generation, but it is not evident that they believed in the right of one State to nullify a Federal law. It is at least clear what their position upon that doctrine was thirty years later, when, having watched the gradual unfolding and the definite assertion of the South Carolina doctrine, they definitely repudiated it. In a resolution, drawn by Thomas F. Marshall, adopted by the Kentucky Legislature, and signed by Governor Breathitt (February 2, 1833), appear these words, which the Governor himself requested Mann Butler to incorporate in his "History of Kentucky": "Resolved, that so long as the present Constitution remains unaltered, the legislative enactments of the constituted authorities of the United States can only be repealed by the authorities that made them; and if not repealed, can in no wise be finally and authoritatively abrogated or annulled, than by the sentence of the Federal Judiciary, declaring their unconstitutionality; that those enactments, subject only

to be so repealed or declared null, and treaties made by the United States, are supreme laws of the land; that no State of the Union has any constitutional right to nullify any such enactment or treaty, or to contravene them, or obstruct their execution; that it is the duty of the President of the United States, a bounden, solemn duty, to take care that these enactments and treaties be faithfully executed, observed and fulfilled. . . ." [1]

So far, however, as Jefferson's immediate purpose was concerned, he was justified in viewing the matter with complacency. He was playing the game of politics, and the Kentucky and Virginia Resolutions had done their work most effectively. They had forced the Federalists to attempt a public defence of a set of laws which the great American public bitterly resented, and this without implicating him; as only his intimate friends, bound by a solemn pledge of secrecy, knew that Jefferson was their original author. They had, therefore, dealt the first staggering blow to the Federalist supremacy: but it was left for the Federalist leaders themselves to deal the deathblow. Federalism might have weathered the storm raised by the Alien and Sedition laws, as explained by the Kentucky and Virginia Resolutions, had not a sudden change in the nation's foreign affairs caused John Adams to take the step which brought hopeless division into the Federalist ranks.

Lord Nelson had struck his first overwhelming blow in Abukir Bay, and Napoleon's fleet had been hopelessly shattered (August 1, 1798). The French Directory, which had had no real desire to engage the United States in war, seeing the black cloud of a coalition of European

[1] Butler, 1834 Ed., pp. 289–290.

powers loom up before it, was anxious for an excuse to appease America. Talleyrand, therefore, informed President Adams, through William Vans Murray, our Minister to the Netherlands, that if the United States would send another Minister to Paris he would be received, "as the representative of a great, free, powerful and independent nation." It was a crisis such as few men have had to face, but John Adams, however lacking in political wisdom, did not lack courage. Having convinced himself that Talleyrand, for once, was speaking the truth, he decided that the interest of the country demanded peace, and determined to have it. Without waiting to consult Washington, the leaders of his party, or even the members of his Cabinet, he sent to Congress the name of William Vans Murray as Minister to France. In making this nomination, Mr. Adams informed the Senate of his intention to, "instruct Mr. Murray not to go to France before he received direct and unequivocal assurance from the French Government, through its Minister of External Relations, that he would be received in character, have its privileges extended to him, and be met by another minister of equal rank, title and power, to treat of, discuss, and conclude, all controversies between the two republics." [1]

When this extraordinary nomination was reported in the papers, next day (February 19, 1799), people refused to credit the news, as they had heard nothing of Talleyrand's proposal, the Senate having sat with closed doors. The Federalist leaders, finding such important matters going forward without any previous party consultation, looked upon the nomination with decided disfavor, while the Senate, astonished at the sudden change in Adams' position,

[1] Document quoted, Marshall, II, p. 293.

sent a committee to induce him to withdraw the nomination. Adams, however, stood firm, until the committee threatened to report against it, when he withdrew the name of Vans Murray, and substituted a commission, composed of Chief Justice Ellsworth, Patrick Henry and William Vans Murray. This second nomination was reluctantly confirmed. Henry, however, refused to serve, and William Davie, of North Carolina, was put into his place. The commission thus constituted, immediately sailed for Paris, where they were well received, and, in the course of a few months, concluded a treaty [1] which, while not entirely satisfactory, served to avert the war which everyone had thought inevitable.

Jefferson and the Republicans were jubliant. They saw that the days of Federalist supremacy were numbered. The Kentucky Resolutions had brought the weakness of the Administration clearly before the public, and Adams' heroism had hopelessly divided the Federalist party. In the presidential election of the following year (1800), this division was painfully apparent. Out of a total of one hundred and thirty-eight electoral votes, Adams received only sixty-five, while Jefferson and Burr, the candidates of the Democratic party, received seventy-three each. The election, therefore, went to the House of Representatives, which chose Jefferson, upon the thirty-sixth ballot, and Burr was relegated to the position of Vice-President.

[1] Text of treaty, "Kentucky Gazette," January 26, 1801.

CHAPTER IX

KENTUCKY AND THE PURCHASE OF LOUISIANA

During the period intervening between the proclamation of Pinckney's treaty of 1795 and the election of 1800, which made Thomas Jefferson President, the right to navigate the Mississippi and to deposit goods at New Orleans had produced marked results. Trade between Kentucky and the southern ports had grown with astonishing rapidity,[1] and Governor Garrard, in his Message of November 4, 1800, dwelt upon that fact with great satisfaction. Trade by way of the Mississippi, according to his economic system, would readily lend itself to "an exchange of commodities," thus preventing the export of specie and protecting the circulating medium of the State. It was therefore more desirable than trade with the East, which could offer no such advantage. For this reason he urged the advisability of "giving premiums on importations by way of the Mississippi," in order to call the attention of Kentucky merchants "to that essential channel of our foreign commerce." [2]

But while the Governor was laboring to encourage southern trade, foreign politics were rapidly and secretly creating conditions looking to its complete destruction. The sagacious French Minister, Talleyrand, had never

[1] Madison to Charles Pinckney, November 27, 1802 (Madison's Works), for figures indicating the value of this Kentucky trade.

[2] Butler, pp. 295–296.

lost sight of his design to regain Florida and Louisiana for France,[1] but his plans were not brought to maturity until the vision of an American Empire dawned upon the mind of Napoleon, First Consul in name, but Emperor in fact, of France. Then Talleyrand sent instructions to the French Minister at Madrid bidding him make arrangements with Spain for the transfer of those two provinces to France, which was the first step in Napoleon's design to restore to France the imperial domain, which had been lost when Wolfe scaled the rocky heights of Quebec, to die on the plains of Abraham. In the year 1800 suggestions coming from the First Consul of France had much the force of law with most of the European States, and the secret treaty of San Ildefonso[2] was speedily concluded, Spain agreeing to deliver Louisiana to its original possessor, the French nation.

Napoleon, however, was not as prompt in taking possession of his new domain as he usually was in following out his plans, and it was November, 1801, before Leclerc, with a French army, weighed anchor for the Louisiana Territory. Fortunately for America this expedition never reached its destination, for Leclerc's orders were to stop at San Domingo, and destroy the little negro Republic which Toussaint Louverture had erected in that island.[3] This, the First Consul considered a mere incident: but it proved otherwise: seventeen thousand French soldiers were lost in the attempt, and a second army perished by yellow fever, while endeavoring to keep the negroes in subjection; and still no French troops had been

[1] McMaster, II, p. 625.
[2] October 1, 1800.
[3] McMaster, III, p. 217.

landed in Louisiana. In the meantime, Morales, Spanish Intendant at New Orleans, supposing that these troops would soon arrive, had issued the following proclamation, which struck a staggering blow at the commerce of Kentucky and the West:

"As long as it was necessary to tolerate the trade of neutrals, which is now abolished, it would have been prejudicial to this country, that the Intendant complying with his duty should have prevented the deposit in this city of the property of Americans as granted to them by the twenty-second article of the Treaty of Friendship, Limits and Navigation of the 27th of October 1795, at the expiration of the three years prefixed; but now that, with the publication of the treaty of Amiens, and the re-establishment of the communication between the English and Spanish subjects, that inconvenience has ceased, considering that the 22d article of the said treaty prevents my continuing this toleration, which necessity required after the fulfillment of the stipulated time, this ministry can no longer consent to it, without an express order of the King's. Therefore without prejudice to the exportation of what has been admitted in proper time, I order that from this date shall cease the privilege which the Americans had of bringing and depositing their goods in this capitol. And that the foregoing may be publicly known, and that nobody may plead ignorance, I order it to be published in the accustomed places, copies to be posted up in public; and that the necessary notice be given of it to the Department of Finance, Royal Custom-House, and others that may be thought proper.

"Done at the Intendancy, signed with my hand, and

countersigned by the Notary Public of Finance, at New Orleans, 16th October, 1802.

(Signed) "JUAN VENTURA MORALES.

"By order of the Intendant:

"Peter Pedesclaux." [1]

This startling news was conveyed to Governor Garrard by a letter from James Speed: [2]

"By express, I enclose you the proclamation of our Intendant General, which did not issue till this morning. . . . It can require no comment from me. If it does not amount to a declaration of war, with the worst consequences to individuals, none of us here understand it. The people of the Mississippi Territory will immediately feel its effects, and when to their indignation is joined that of our countrymen in the Spring, God knows how it may be possible to prevent hostilities. We all hope however, that you will immediately concert with Mr. Jefferson to prevent the horrible consequences which we apprehend, and be assured that any measures you may adopt to prevent unnecessary bloodshed, and at the same time preserve the dignity of our country, will be warmly supported by a majority of our countrymen here, and particularly by

"Your humble servant—

"Farewell—"

Garrard laid this important information before the Leg-

[1] Printed in full in the "Kentucky Gazette" of November 30, 1802.

[2] Dated New Orleans, October 18, 1802. This and a similar letter appear in the "Kentucky Gazette" of December 7, 1802, either their delivery to the Governor, or his delivery of them to the printer having been delayed.

islature, which at once passed the following resolutions and memorial: [1]

"Resolved, That the proclamation of the Intendant of the port of New Orleans, of the 18th of October last, is a direct infraction of the treaty of friendship, limits and navigation, concluded in October 1795, between the United States and the King of Spain, in this particular . . . . that by the said proclamation, American citizens are forbidden to deposit their merchandizes and effects in the port of New Orleans, without an equivalent establishment having been assigned to the United States, on another part of the banks of the Mississippi, conformably to the provision of the twenty-second article of the said treaty.

"Resolved—that the Governor be requested to forward the following memorial to our senators and representatives in Congress, to be by them presented to the President of the United States, the Senate and House of Representatives in Congress.

"Having on a former occasion, when we represented the obstructions to the navigation of the river Mississippi, experienced the attention and justice of the General Government, in providing by a treaty with the Court of Spain, not only for the free navigation of that river, but for what, in our remote situation from the ocean was absolutely necessary to the enjoyment of it, a place of deposit for our produce,—we deem it necessary barely to state to you, that by an infraction of that treaty, we are deprived of those advantages, in violation of the treaty between the United States and the King of Spain, concluded at San

[1] "Kentucky Gazette," December 7, 1802. They were passed December 1, 1802.

Lorenzo el Real, in October 1795. The Intendant of the port of New Orleans has by a proclamation of the 18th of October last, forbidden American citizens to deposit their merchandizes and effects in the said port, without having assigned to the United States an equivalent establishment on another part of the banks of the Mississippi.

"We rely with confidence on your wisdom and justice, and pledge ourselves to support at the expense of our lives and fortunes, such measures as the honor, and interests of the United States may require."

This memorial did not reach the President in time to be mentioned in his Second Annual Message, which was sent to Congress on December 15th.[1] In this message, therefore, he makes no reference to the closing of the Mississippi, and dismisses the whole Louisiana question with the casual statement: "The cession of the Spanish province of Louisiana to France, which took place in the course of the late war, will, if carried into effect, make a change in the aspect of our foreign relations which will doubtless have just weight in any deliberations of the Legislature connected with that subject."

The Federalist leaders in Congress, eager for a stroke of policy, now began to pose as the particular friends of the West, trying, Jefferson declared, to force the country into a war with Spain, "in order to damage our finances," and to "attach the Western country to them."[2] Kentucky readily fell in with the idea of war, and even went so far as to organize volunteer militia for the expected invasion

[1] Published in "Kentucky Gazette," January 4, 1803; cf. also "Jefferson's Works," VIII, p. 16.

[2] George Tucker's "Life of Thomas Jefferson," II, p. 126.

of New Orleans;[1] but Jefferson was far too clear-sighted to adopt a war policy, until peaceful resources had been fully tried. He sent (December 22, 1802) to Congress the copy of the Intendant's Proclamation, together with a letter from Governor Garrard,[2] and similar communications which had reached him, and turned his attention to adjusting the difficult question without war.

On January 18, 1803, he addressed to the Governor a letter which convinced the people of Kentucky that their case was in efficient and willing hands. "Soon after the date of my letter to you of December 16th, the Memorial of the Senate and House of Representatives of Kentucky . . . came to hand. In that letter I informed you that we had reason to believe that the suspension of the right of deposit at New Orleans, was an act merely of the Intendant, unauthorized by his Government. . . . Further information showing that this act of the Intendant was unauthorized, has strengthened our expectation that it will be corrected.

"In order however, to provide against the hazards which beset out interests and peace in that quarter, I have determined, with the approbation of the Senate, to send James Monroe . . . with full powers to him and our ministers in France and Spain, to enter with those governments into such arrangements as may effectually secure our rights and interests in the Mississippi. . . . He is now here and will depart immediately." [3]

[1] "Kentucky Gazette," March 29, 1803; article headed "Kentucky in Arms."

[2] Ibid., January 11, 1803.

[3] Ibid., February 14, 1803. "The object of Monroe's instructions will be to procure a cession of New Orleans and the Floridas to the United States and consequently the establishment of the Mississippi as the boundary between

This letter, with one from John Breckinridge published at the same time, and urging patience and confidence in the central government, quieted the minds of the people. And so Kentucky waited, however impatiently, for the result of the President's peaceful measures, determined, as was the central government, that if they failed, our rights upon the Mississippi should be maintained by force of arms.

"If the result of Mr. Monroe's mission," said an anonymous writer in the "Kentucky Gazette," [1] "should prove inauspicious, but one opinion will pervade all America. We shall then possess but one mind and one arm. The patriotism of the country will banish all party distinctions, and the breast of every citizen will burn with indignant pride. . . . Let us await with patience his return—with that silent expectation, which, prepared to meet with joy the news of a happy issue, is nevertheless, if disappointed, ready to inflict a blow which will let all Europe know, that though difficult to be aroused, America acts with vigor and effect."

It soon became evident that Jefferson and his friends had been wise in proceeding toward a peaceful settlement of the matter. Dispatches arrived from Livingston at Paris, which convinced the people that the French Government had no desire to do anything derogatory to our interests. "They have received the cession of Louisiana from Spain," declared these dispatches, "but under all the restrictions and limitations imposed on Spain, from treaties existing between us and that nation." [2] And some three

the United States and Louisiana." Madison to Pinckney, January 18, 1803. Fuller's "Purchase of Florida," p. 106.

[1] March 8, 1803.

[2] "Kentucky Gazette," March 8, 1803.

weeks later a letter from the Marquis de Cusa Yrujo, to the Secretary of State, declared that the "proclamation of the Intendant is an act purely personal, without the sanction and even without the knowledge of his Catholic Majesty. . . . I shall now take it upon myself," he adds, "to adopt measures which must ensure to the United States the enjoyment of all the rights stipulated in the 22d article of the treaty, on the arrival at New Orleans of the dispatches which will be forwarded under this date." [1]

This official news deprived the war party of all ground for their clamor, and the Ministers at Paris were left free to carry on their negotiations in a friendly atmosphere, which task was lightened by the approach of renewed war between England and France, causing Napoleon to consider favorably any proposition likely to replenish his depleted treasury. Thus when Livingston appeared before the French Minister, [2] and proposed to purchase the Island of New Orleans, he was met by an offer to sell us the whole of Louisiana. After considerable shrewd bargaining, it was found that Napoleon would accept fifteen million dollars for this vast dominion, and, as our Ministers had been instructed to offer ten million for a comparatively small portion of it,[3] they wisely decided to exceed their in-

[1] "Kentucky Gazette," March 29, 1803, gives full text of this letter.

[2] Full text of Mr. Livingston's Memorial to the French Government is given in the "Kentucky Gazette" of August 2, 1803. The editor apologizes for omitting several articles of importance. They are omitted, he says, because "the interesting concerns of our own country claim our first attention."

[3] They were authorized to offer, as the highest price for "the Island of New Orleans and both the Floridas," fifty million livres tournois, or about $9,250,000. Should France be willing to sell only portions of these territories the Commissioners were instructed to estimate the Floridas together at "one-fourth the value of the whole island of New Orleans, and East Florida, at one-half that of West Florida." Madison to Livingston and Monroe, March 2, 1803. Quoted, Fuller's "Purchase of Florida," p. 111.

structions. The bargain was concluded; and the purchase completed in the treaty of 1803.[1]

The news was announced by the "Kentucky Gazette"[2] in a dispatch, dated Paris, May 13—"Louisiana is ceded to the United States on the most honorable terms and indemnification will be made for French spoliations." So sudden and unexpected was this turn of affairs that men could hardly credit it, and the editor of the "Gazette" showed his own hesitation, by the significant introduction, "Highly important if true." Numerous other communications, however, published in the same issue, confirmed the report, the official dispatch from Washington declaring, "The executive have received official information that a treaty was signed on the 30th of April, between the Ministers Plenipotentiary of the United States, and the Minister Plenipotentiary of the French Government, by which the United States have obtained the full right to, and sovereignty over New Orleans, and the whole of Louisiana, as Spain possessed the same."

When, from successive dispatches, men came to realize that at last Kentucky was forever secure in her cherished rights of free navigation and deposit, enthusiasm went wild. Celebrations were held in various districts and towns of the State; toasts were drunk to Congress, to the President, to the ministers who negotiated the treaty, even to "General Wilkinson—Let us not forget the man who first adventured as an exporter of produce to New Orleans."[3] The Federalists alone, "the friends of war," were passed

[1] Text of Treaty, Snow's "American Diplomacy," p. 46.

[2] Issue of July 19, 1803.

[3] See account of Lexington meeting in "Kentucky Gazette" of August 16, 1803.

over in contempt, the excited Kentuckians, in their excess of joy, forgetting even to mention the men who had posed as friends of the West, while resisting the course which had brought them their hearts' desire.

On October 17, 1803, President Jefferson sent to the Senate a message, asking concurrence in the treaty of purchase, against which course the Federalists fought with desperation. They denounced the purchase as unconstitutional, extravagant, foolish, and a menace to the integrity of the Union. But they failed to realize the most serious danger lurking in this first great act of Imperialism, a danger soon to become pressing—that of developing sectional antagonism, upon the question of the extension of slavery into the new dominion. Their opposition, however, was of no avail. The Senate ratified the treaty and, on October 21, the President signed it and sent it to the House,[1] which, to the chagrin of the Federalists, promptly adopted the measures necessary for putting it into operation.

The French Consul proceeded at once to New Orleans, where a prompt and courteous surrender by the Spanish officials took place.[2] The American citizens resident in New Orleans formed themselves into a corps of volunteers and offered their services to Governor Laussat. They were received as auxiliaries to the city militia, and then all awaited the arrival of the American troops, and the scene of the final transfer. On Tuesday, December 20,

[1] The news was announced in Kentucky by a letter from John Breckinridge, dated Washington, October 21, 1803. "The Palladium," Frankfort, November 12, 1803.

[2] Details of the ceremony, "Kentucky Gazette," January 24, 1804; "Palladium," January 28, 1804; also in Jefferson's Special Message of January 16, 1804, and "Kentucky Gazette," February 7, 1804.

1803, William C. Claiborne and General James Wilkinson, the commissioners appointed to represent the United States, advanced to the gates of New Orleans, attended by a detachment of American troops, with bands playing the popular airs of France. Here they were met by the Spanish troops, and escorted to the Place d'Armes, where they presented their credentials to Laussat. These were read aloud to the crowd that filled the Cabildo, and then, the transfer of the province having been proclaimed, the keys of the city were handed to Claiborne, and the subjects of France were solemnly absolved by Laussat, from their allegiance to the First Consul.

Thus came about, in peace and quiet, the result for the attaining of which the pages of Kentucky history had for years been darkened by secret foreign intrigues. The cession of Louisiana destroyed the incentive to conspiracy with foreign countries, so far as Kentucky was concerned; but General Wilkinson, whose dark destinies seemed to attach him forever to such paths, was soon deeply engaged in another project with reference to the Mississippi Valley, and this time in connection with the late Vice-President of the United States, Aaron Burr.

CHAPTER X

THE BURR CONSPIRACY

SCARCELY had the excitement caused by the closing of the Mississippi subsided, and the people of Kentucky settled down to the development of the enlarged commercial possibilities which the purchase of Louisiana opened to them, when another intrigue, darker and more mysterious than any which had hitherto developed, began to emerge.

In May, 1805, Aaron Burr, late Vice-President of the United States, now an exile from his home, an outlaw from his party, and a fugitive from justice, appeared at Frankfort. The cause of his coming was unknown. Rumor had it, that he was interested in a company which was planning the construction of a canal on the Indiana side of the Ohio River, to enable vessels to pass the falls,[1] while other reports declared that Jefferson had succeeded in removing him from national politics, by appointing him Governor of the new Territory of Louisiana. Everyone was, of course, familiar with the thrilling tragedy of his life; how, after years of bitter conflict with the genius of the Federalist party, Alexander Hamilton, he had seen his political prospects, one by one, destroyed, until finally he had completed the process by killing his enemy in a duel, which he had deliberately forced upon him. And although the people of Kentucky were sufficiently Dem-

[1] Marshall, p. 372.

ocratic not to take up the quarrels of the late Federalist leader, they knew that Burr had long been regarded with suspicion and distrust by their idol, Jefferson; which fact alone was sufficient to cause many of them to look askance at the newcomer, and to credit any rumors which might be circulated against him.

In spite of the verdict which the coroner's jury had rendered after the duel, "That Aaron Burr Esq., Vice-President of the United States is guilty of the murder of Alexander Hamilton;" [1] and in spite of the fact that warrants for his arrest had been issued, both in New York and New Jersey, Burr had performed the last honorable public function of his life, by presiding in the Senate at the trial of Justice Chase, "with the dignity and impartiality of an angel; but with the rigor of a devil," as a contemporary newspaper declared. At the close of his term of office, he had delivered his farewell to the Senate, in a speech so eloquent and so pathetic, that, as Mr. Parton records, it had left the whole Senate in tears, "and so unmanned it, that it was half an hour before they could recover themselves sufficiently to come to order, and choose a Vice-President pro tem." [2]

In the meantime his residence at Richmond Hill had been sold for debt, besides which he owed some eight thousand dollars, for which his person was liable in case he should be apprehended. In view of which discouraging complications, he had remarked to his son-in-law, Colonel Joseph Alston, "In New York I am to be disfranchised, in New Jersey hanged. Having substantial objections to

[1] "Palladium," Frankfort, August 25, 1804; Hildreth, "Second Series," II, p. 528.

[2] Parton's "Burr," p. 376.

both I shall not . . . hazard either, but shall seek another country."

His appearance in Kentucky, at this time, marks the beginning of that search, which was to brand him as a traitor to his country: a title which history has long confessed herself unable completely to confirm or to deny. As he drove through the unpaved streets of the Capital toward the house of John Brown, one of Kentucky's United States Senators, men began to speculate as to the probable cause of his visit, and from that day to the present, each generation has added its own solution to this still unsolved riddle. It was charged then, as it is charged now, that he had spent the last days of his Vice-Presidency in forming treasonable connections with the English minister, Anthony Merry, and had proposed to lend his services to Great Britain, to separate the western country from the union of States;[1] but the evidence was then, and still is, vague and difficult to handle. Moreover, in the minds of many Kentuckians of that day it was a sinister fact that Burr was on intimate terms with General James Wilkinson, Commander-in-Chief of the United States army, and Governor of the new Territory of Louisiana,[2] whose tendency to Spanish intrigue had for years been a current topic of discussion in Kentucky political circles. What they did not know was that Burr had come to Frankfort, fresh from a long conversation with Wilkinson.

[1] McMaster, III, p. 55.

[2] Hildreth's "Second Series," II, p. 595. The newly purchased province of Louisiana had been divided into two territories. The portion lying south of the thirty-third parallel was now called Orleans and was governed by Claiborne; while the part to the north of that line, called Louisiana, with its only considerable population at and near St. Louis, was presided over by Wilkinson. Act of March 3, 1805.

At Pittsburg, while waiting for his flatboat to be made ready for his journey down the Ohio, he had met the General just preparing to start for St. Louis to take up his duties as Governor of Louisiana. After some conversation, Wilkinson had invited Burr to join him, in order that the common part of their journeys might be made in company.[1] The invitation, however, had been refused, as Burr's comfortable conveyance, a house boat with four rooms well furnished and lighted by glass windows, was ready first.

He had, therefore, started on his journey alone; but before long had overtaken Mathew Lyon, who had won renown as a victim of Federalist persecution under the late Sedition law. Together they had floated down the Ohio, while Lyon called Burr's attention to the fact that the new State of Tennessee did not require residence, as a condition, for a candidate to represent her in Congress. Here, then, was an opening, for although disqualified for politics in the East, Burr knew that in Tennessee it would be a small disadvantage to him that he had killed the Federalist champion in a duel. He had, therefore, resolved to visit that State and investigate for himself; and his visit to John Brown at Frankfort was, in part at least, for the purpose of securing letters to certain of that gentleman's friends in the neighborhood of Nashville.[2]

After a week at Nashville, where hospitality was lavished upon him by Andrew Jackson and other leading citizens of the State, Burr descended the Cumberland and, near

[1] McCaleb's "The Aaron Burr Conspiracy," p. 25; Hildreth's "Second Series," II, p. 596.

[2] Wilkinson's testimony, "Trial of Aaron Burr," III, p. 361. Quoted, McMaster, III, p. 57.

Fort Massac,[1] on the north bank of the Ohio, spent four days with General Wilkinson, who met him there, probably by appointment. It was upon this occasion that plans were perfected for Burr's descent to New Orleans, an idea which Wilkinson himself seems to have suggested, being conscious, as few men in the country were conscious, of the abhorrence with which the Spanish and French speaking colonists of the Southwest viewed their recent incorporation into a nation which they had been trained to hate. Wilkinson's interest in this journey is clearly shown by the fact that he furnished Burr with "an elegant barge, sails, colors, and ten oars, with a sergeant and ten able hands to prosecute his journey;" [2] together with letters of introduction to leading men in the neighborhood of New Orleans; while, in Wilkinson's glowing description of the discontent in the Southwest, Burr's ambitious mind undoubtedly saw a larger field for his political talents than was offered by the position of Representative or even Senator from Tennessee.

Having thus dispatched Burr upon his mission of investigation, Wilkinson returned to his duties at St. Louis to dream of diadems, and sound the loyalty of his men; for he could not doubt that Burr would soon be deep in revolutionary projects in New Orleans. And so it proved. Burr found the Orleans country full of plans of revolution. There were schemes for driving the Spaniards out of Texas, and three hundred men had bound themselves by an oath to free Mexico from Spanish rule. To turn them all against the detested government of Governor Claiborne appeared an easy task. The inhabitants were enraged at the introduction of English forms of law, and the natural leaders

[1] Safford's "Blennerhassett Papers," p. 107.
[2] Ibid.

of the district sulked at the slight participation which the American Government allowed the native-born inhabitants.[1]

A new vision of glory arose in Burr's mind as he studied this situation, and before it all lesser projects vanished like the mists. To restore the throne of Montezuma, to add to it the great Mississippi Valley, and to rule as the monarch of this vast empire: these were the possibilities which the condition of the Southwest presented to his mind, as he began his journey northward.

Behind him floated vague rumors, an account of which Daniel Clark dispatched to General Wilkinson, in the following letter:—

"Many absurd reports are circulated here . . . respecting our Ex-Vice-President. You are spoken of as his right hand man. . . . Power, whose head is always stuffed with plots, projects, conspiracies etc. and who sees objects through a millstone, is going to Natchez next week, to unravel the whole of this extraordinary business; and then God have mercy on the culprits, for Spanish ire and indignation will be leveled at them. What in the name of Heaven, could give rise to these extravagancies? . . . The tale is a horrid one, if well told. Kentucky, Tennessee, the State of Ohio, the four territories on the Mississippi and Ohio, with part of Georgia and Carolina, are to be bribed with the plunder of the Spanish countries West of us, to separate from the Union; this is but a part of the business. Heavens, what wonderful doings there will be in those days! . . . Amuse Mr. Burr with an account of it. . . ." [2]

[1] Hildreth's "Second Series," II, p. 598.

[2] Samuel Clark to General Wilkinson, New Orleans September 7, 1805. Wilkinson's "Memoirs," III, Appendix, p. 33.

On August 19, Burr reached Lexington and, after a visit of nine days, rode on to Frankfort, where he again enjoyed the hospitality of John Brown,[1] though we have no reason to believe that he took his host into his confidence. Here vague rumor was made somewhat more definite by a set of "Queries" published in the "Palladium." [2]

"How long will it be before we shall hear of Colonel Burr being at the head of a revolution party on the Western Waters?

"Is it a fact that Col. Burr has formed a plan to engage the adventurous and enterprising young men from the Atlantic States to come to Louisiana?

"Is one of the inducements that an immediate convention will be called, from the States bordering on the Ohio and Mississippi, to form a separate government?"

These and similar questions led the "Kentucky Gazette" to follow carefully the movements of this man, the latter part of whose political career "fraught with a degree of duplicity, which can never be satisfactorily defended, has made him an object of attention wherever he has traveled. His talents for intrigue are considered as unrivalled in America, and his disposition doubted but by few."

But, in spite of suspicions, Burr won many enthusiastic admirers in Frankfort. By such he was looked upon as the victim of circumstances, his genius was lauded and his faults condoned. Perhaps no American statesman has ever possessed such marvelous power of attracting strangers, and certainly none has so fearlessly made capital of this power. The following letter, written in the bom-

[1] McCaleb, pp. 25, 34.

[2] September 7, 1807. Copied from the "Philadelphia Gazette."

bastic style so common at that period, describes Burr as he appeared during this visit to Frankfort:

"FRANKFORT, Aug. 30, 1805.

"My dear Friend:

"I have at length been gratified with the sight of the late Vice-President, Aaron Burr. He arrived in this place on the 28th inst. from Orleans. A few days after, I had the honor of spending an evening in his company. I know you will laugh at the idea of my awkwardness, but be that as it may, I took some good solid looks at him; and can tell you something about him.

"His stature is about five feet six inches; he is a spare, meagre form, but of an elegant symmetry; his complexion is fair and transparent; his dress was fashionable and neat, but not flashy. He is a man of an erect and dignified deportment; his presence is of the French configuration; his forehead is prominent, broad, and retreating, indicative of great expansion of mind, immense range of thoughts, and amazing exuberance of fancy, but too smooth and regular for great altitude of conception. . . . The eyebrows are thin, nearly horizontal, and too far from the eye; his nose is nearly rectilinear, too slender between the eyes, rather inclined to the right side: gently elevated, which betrays a degree of haughtiness; too obtuse at the end for great acuteness of penetration, brilliancy of wit, or poignancy of satire; and too small to sustain his ample and capacious forehead. His eyes are of ordinary size, of a dark hazel; and from the shade of his projecting eye bones, and brows, appear black; they glow with all the ardor of venerial fire, and scintillate with the most tremulous and tearful sensibility. They roll with the celerity

and frenzy of poetic fervour and beam with the most vivid and piercing rays of genius. His mouth is large; his voice is manly, clear, and melodious; his lips are thin, extremely flexible, and, when silent, gently closed; but opening with facility to distill the honey which trickles from his tongue. His chin is rather retreating and voluptuous. To analyze his face with physiognomical scrutiny, you may discover many unimportant traits; but upon the first blush, or a superficial view, they are obscured like spots in the sun, by a radiance that dazzles and fascinates the sight.

"In company Burr is rather taciturn. When he speaks it is with such animation, with such apparent frankness and negligence as would induce a person to believe he was a man of guileless and ingenuous heart, but in my opinion there is no human more reserved, mysterious and inscrutable.

"I have heard a great deal of Chesterfield and the graces. Surely Burr is the epitome—the essence of them all, for never were their charms displayed with such potency and irresistible attraction. He seems passionately fond of female society and there is no being better calculated to succeed and shine in that sphere. To the ladies he is all attention—all devotion—in conversation he gazes on them with complacency and rapture, and when he addresses them it is with that smiling affability, those captivating gestures, that je ne sais quoi, those desolating looks, that soft, sweet and insinuating eloquence, which takes the soul captive, before it can prepare for defence. In short he is the most perfect model of an accomplished gentleman that could be found, even by the wanton imagination of poetry or fiction. But alas! my friend, what

avails those splendid talents, that transcendent address, nay, all the blessings that heaven can bestow, without that solace, that inestimable boon, content and tranquility? Burr is an exemplary, an illustrious instance of the capriciousness of popular admiration, and the mutability of human glory and felicity. But why should we wonder at popular instability and clamor—a discordant voice that vilifies and arraigns even Omnipotence itself? The circumstance that has thus contributed to blast the popularity and poison the peace and happiness of this unfortunate man, is lamentable indeed; but he who will presume to ascribe it to a corruption or depravity of heart, rather than to the fallibility of man, and the frailty of human passions, must be blinded by his own venom, and utterly estranged to every sentiment of compassion and that lenient and divine maxim which instructs us, that where opposing presumptions are of equal weight, the scale should always predominate on the side of mercy. Confident I am that there is no person more sensibly, more deeply touched with grief, or more sincerely penitent for this misfortune, than he who was the instrument. Yes, my friend, even Burr, the inimitable, the incomparable Burr, is disturbed, is unhappy! Often did I mark the perturbation of his mind, the agonizing sensations which wrung his too susceptible heart, and which in spite of his philosophy and sprightliness, wrote themselves in the darkest shades on his countenance; and when I beheld the melancholy, the saturnine clouds, which often enveloped his bleeding, his magnanimous soul, my feelings were melted with a thrilling, a sublime sympathy—the tears started in my eyes, and could I have given them the efficacy of the angels, I would have expiated his crime,—I would have blotted out

the imputation from the memory of man, and the records of Heaven!" [1]

After a brief stop in Louisville, Burr hastened on to St. Louis to report his observations to Wilkinson. To his astonishment he found the General cold, and irresponsive. Wilkinson was a coward at heart, and, having carefully sounded his officers and men, during Burr's absence, he had found them all true to the Union. There was not a second traitor among them. This discovery had opened his eyes, and, in response to Burr's descriptions of discontent in the Southwest, he replied:

"If you have not profited more by your journey in other respects than in this, you would better have stayed at Washington. The Western people disaffected to the government! They are bigoted to Jefferson and Democracy." [2]

He, however, consented to give Burr a letter to Harrison, Governor of the Indiana Territory, strongly urging him to get the former chosen a delegate to Congress from that region; a request which he subsequently explained as having been made in order to turn Burr aside from his doubtful plans, by placing again before him the possibility of an honest career. He also claimed, when circumstances made a defence necessary, that he had at the same time dispatched a letter to Robert Smith, Secretary of the Navy, warning him to keep a strict watch on Burr's movements; though Smith strangely failed to recall having received such a communication.

Having visited the Indiana Territory, stopping at Cincinnati, Chillicothe, and Marietta, Burr returned to Philadelphia toward the end of the year 1805. The next few

[1] The "Palladium," Frankfort, September 7, 1805.

[2] Parton's "Burr," p. 401; Powell's "Nullification and Secession," p. 162.

months he spent in attempts to enlist the support and coöperation of prominent men, especially those having authority in the Navy, for he felt that the presence of a considerable naval force at the mouth of the Mississippi was desirable, if not essential, to the success of his scheme.

Eaton had lately returned from his Mediterranean trip, in no good humor with the Government. He had been at great pains to raise an army in Egypt and lead it across the Lybian Desert to Derne, expecting that Commodore Barron would then coöperate with him in an attack upon Tripoli. Just at the critical moment, however, he had found himself deserted, a treaty having been signed with the ruling Pasha of Tripoli, the provisions of which Eaton regarded as disgraceful. His resentment at this treatment was great, and Burr, totally misjudging the man, supposed him in a humor for any kind of revenge against his government. "He therefore," says Eaton,[1] "laid open his project of revolutionizing the territory West of the Alleghanies; establishing an independent empire there, New Orleans to be the capital and himself the chief; and thence, organizing a military force on the waters of the Mississippi, carry conquest to Mexico. . . . From the tenor of much conversation on the subject of Wilkinson's coöperation, I was prevailed on to believe that the plan of revolution meditated by Colonel Burr and communicated to me, had been concerted with General Wilkinson and would have his coöperation." [2] Wishing to draw Burr out, as he says, Eaton encouraged him to talk, and was further informed that he had a large following in the West and in the Spanish territories, and would turn Congress out of

[1] Eaton's Deposition, "Palladium," January 1, 1807.

[2] Eaton's Deposition.

doors, assassinate the President, capture the national treasury, and become "Protector of an energetic government," if only he could gain the marine corps, and secure the help of such men as Truxton, Decatur and Preble. To which Eaton replied in effect, according to his own account, that his next step would be to have his throat cut by the Yankee militia.

Having become possessed of these enlightened plans, Eaton cautioned the President that, if Colonel Burr was not disposed of, we should, within eighteen months, have an insurrection, if not a revolution, on the waters of the Mississippi. Jefferson's reply was that he had confidence in the loyalty of the Western people, and Eaton was thus prevented from venturing upon more specific details.[1]

While this intrigue was going on in the East, Burr was strengthening his hold upon less cautious citizens in the Western country. During his tour of the West he had opened correspondence with Herman Blennerhassett, an eccentric Irishman, filled with the politico-romantic notions which Southey and Coleridge had made so famous.[2] Blennerhassett had been a man of considerable wealth, but had repaired to a little island in the Ohio River, near the present site of Marietta, Ohio, where he had spent some forty thousand dollars in building and fitting up a house of "oriental ugliness,"[3] and was now beginning to catch uncomfortably distinct glimpses of the bottom of his purse. This latter fact being as yet unknown, Burr followed up the acquaintance by letters embodying vague and guarded hints, intended to elicit confidence and a reply.[4] In his

[1] "Palladium," January 1, 1807.
[2] Hildreth's "Second Series," II, p. 596.
[3] Picture, Safford's "Blennerhassett Papers," p. 112.
[4] Ibid., p. 115.

hope of procuring an ally he was not deceived. On December 21, 1805, Blennerhassett wrote that, although uninformed as to the nature of Burr's plans, he would be honored in being "associated with you in any contemplated enterprise you would permit me to participate in," provided he could suitably dispose of his residence and island.[1]

To this Burr replied that he had plans which he felt certain would be acceptable and profitable to a man, "whose talents and acquirements seem to have destined you for something more than a vegetable life." [2]

A communication from Philadelphia follows (July 24, 1806), showing a rapid advance in the friendship. It declares, ". . . I shall . . . be at your house before the 20th. of August. Let me find you at home or not far off. . . ."

This engagement he kept, and on the appointed day, in company with his daughter and Colonel De Pestre, his confidential agent in charge of the intrigues with the Spanish Court, Burr arrived at Blennerhassett's Island, prepared to complete the conquest of the poor, deluded Celt.

His general method of procedure was simple. He told each man the story which he deemed most likely to enlist him in the enterprise, intending to entangle him so completely that escape would be impossible, even should he desire to retreat, when the whole truth should become known to him. "We know," says the "Palladium" [3] in commenting upon this fact, "that to one man of celebrity he has proposed one species of project, the erection of a

[1] Safford's "Blennerhassett Papers," p. 116, for full text of the letter.
[2] Ibid., p. 120. The letter is dated, Washington City, April 15, 1806.
[3] "Palladium," January 15, 1807.

new government beyond the Ohio. We also know that to another gentleman, much more distinguished and eminent in the eyes of the country and the world, he suggested another project, which extended so far as the seizure of Vera Cruz. . . . To the Yazoo [land owners] . . . he held out the realization of their speculation; and behold they have not only deposited immense sums in the Western country, but they have conveyed through British Canada brass field pieces to be ready for a great occasion.

"To the disaffected and disappointed few (for in Kentucky they are very few indeed) he held forth the temptation of a new and separate government, and the vast advantages to be derived to their trade by a disconnection from the Atlantic States.

"To others who had views and speculations in Louisiana he held out the name of Baron Bastrop's grant.

"To others the idea of a new government comprehending East Mexico and Louisiana under an Emperor—which Emperor he was to be!

"The grand temptation in the first instance, when the force was marshalled and the plot ripe, to seduce all the deluded into an overt act, was seizure upon the treasures of Mexico—this was to be the prelude to all the subsequent establishments—they were to plunder Mexico and build up cities and navies with the rapine."

To Blennerhassett he told part of the truth. He said that he had discovered that the people of the new territory were seriously disaffected to the Union. That, unless prompt measures were taken to prevent it, they would "fling themselves into the arms of any foreign power which should pledge itself to protect them." [1] That when

[1] Safford's "Blennerhassett Papers," p. 124.

this was done the Western States and Territories would have the choice of remaining in the Union, or of joining with the rest of the West, to which latter course their interests would ultimately force them. The results he left to the imagination of his infatuated listener, assuring him, however, that neither outcome would interrupt his own plans; and concluding with the declaration that the views of the Administration were fully known to him, and that the invasion of Mexico would be pleasing to Mr. Jefferson.[1]

This is the interview which figures so largely in the masterly picture drawn by Wirt, in his famous speech on Burr and Blennerhassett, at the trial in Richmond, in which he depicts the guileless Irishman, as "dazzled by visions of diadems, and stars, and garters, and titles of nobility."

Leaving his daughter in charge of Mrs. Blennerhassett, Burr now began the process of recruiting men for his expedition and making final preparations. Fifteen "large bateaux" to accommodate five hundred men, and a keel boat for carrying provisions, were ordered at Blennerhassett's cost,[2] and, while they were building, Burr continued his trip with the object of increasing his following.

Blennerhassett busied himself in writing for the "Ohio Gazette" a series of articles signed "Querist," setting forth the reasons which should induce the western country to separate from the Union, and preparing the people for the great event, which he dimly perceived to be at hand; but the nature of which he did not fully comprehend.

These are the essays which caused the publication in the "Western World," of a series of articles, denouncing Burr and his followers, and warning the country against

[1] Safford's "Blennerhassett Papers," p. 125.
[2] Ibid., pp. 127, 131.

them. John Wood, one of the editors, had for some time been interested in ferreting out the facts concerning the connections between Wilkinson, Sebastian and other intriguers with the Spanish authorities. His paper had been filled with articles [1] charging Sebastian with being a pensioner of Spain; and it was chiefly due to these articles that the Kentucky House of Representatives had appointed a special committee of ten, "to enquire into the fact, and such other facts relating thereto, as may be deemed proper for investigation." This committee, after meeting for three days, had agreed unanimously "to a resolution, expressive of the judge's guilt." Sebastian had then confessed his crime, and prudently resigned his office, before the House had had an opportunity to act upon the report.[2]

Such was the record of the "Western World," which now turned its attention to the mysterious preparations of Aaron Burr, and, on October 15, sounded the warning in no uncertain terms.[3]

"The people of Kentucky have seen published from the 'Ohio Gazette,' (which had its origin and stand at Marietta, and which is supposed to be under the influence of Colonel Burr), an article in which the idea of disunion by the Alleghany mountains is openly avowed, and publicly advocated. This is but the idea of the Spanish associates, upon a more extensive scale, and with a more imposing aspect. The man who is held up in front, and at the head of this new plan of dismembering the Union

[1] Clay's "Memoir," p. 30, assigns these articles to the pen of Humphrey Marshall.

[2] Article in "Palladium," December 4, 1806. The Report of the Committee is printed in an extra edition of the "Palladium," of December 8, 1806.

[3] Marshall, II, pp. 386–392, quotes full text.

of the States, is now among us, while his secret and mysterious movements indicate the management and combination of some plan of operations, which will not bear the public view and examination. It is announced as a fact, and doubtless is true, that a number of gun boats and a schooner of singular construction, are preparing for this man, on the Ohio river. These can but be considered as preparations for some military expedition. But whether it is intended for the Spanish mines of Santa Fé, the city of New Orleans, or the Spanish territory on the Gulf of Mexico, or elsewhere, is all uncertainty and conjecture. Yet that a blow is to be struck somewhere, I have no doubt.

"We are taught to believe that this man's fortunes are such as to tempt him to desperate enterprises; his genius capable of planning those which are bold and extensive. It is believed he holds no public commission, nor any authority under the United States . . . we must suppose the President uninformed of the fact. We must hope that so soon as he is informed, effectual means will be resorted to, for the suppression of these measures. . . .

". . . In this way is the public mind to be corrupted? in this way are the people to be prepared for conspiracy, insurrection and disunion? When it shall be clearly manifested that the public mind will bear the traitor in high office . . . then shall we see spring up amongst us, such men as the Roman Marius, Sulla, Cataline, and Cæsar. . . . The Spanish Association was but the germ of the present conspiracy against the Union, as Marius, Sulla and Cataline, produced in Cæsar, the Conqueror of his Country.

"In 1788 the Kentucky Spanish Association was reduced

to a plan which had its definite objects; its views were unfolded by the associates, and happily defeated, at that time, by a manifestation of the public will. But the people were never awakened to a full sense of their danger, and . . . quietly . . . yielded themselves up to the rule of those who would have betrayed them . . . the conspirators . . . have contrived to occupy most of the important public offices, under the change of government.

"This state of things, . . . has given rise to a new conspiracy, for effecting disunion, the outline of which we see traced in the publication from Ohio. . . .

"Had I the tongues of saints and of angels, I would exert their utmost eloquence to impress on your minds the importance of Union. Union! An idea inspired by Heaven itself, when in the councils of its benevolence, it determined to make this, with the Atlantic portion of America, free and independent.

". . . In union! there are peace, safety and happiness—there are laws, justice and humanity—there are morality, religion and piety . . . elegances, comforts and decorations of life. There are riches, honor, and glory—domestic tranquility, internal security, civil liberty and national independence.

"In disunion! what a melancholy and distressing contrast; separate confederacies, or state sovereignties; perpetual rivalries, and inveterate enemies of each other. Hence ruthless jealousy, hot contention, and bloody war—heavy expenses, dissolute morals, private misery, and public distress . . . if we cannot live in union—we cannot live in peace."

Shortly after this startling accusation had been circulated, Aaron Burr again appeared in Lexington. In

order to cover up the real object of his visit,[1] which was to complete the organization of his followers in this region, he had arranged that his daughter and her husband, Mr. Alston, should meet him here. They received a distinguished welcome, but the rumors, which had been confirmed by the "Western World," continued to circulate: and, in order to quiet public anxiety, Burr announced that the object of his movements was the colonization of a tract of several thousand acres [2] which he had secured upon the Washita River.[3] Rumor, however, would not down, and the reports which Burr was thus vainly trying to stifle in Kentucky, gradually spread through the country, until they came to the ears of the President, who, thus warned a second time, sent Graham, Secretary of the Orleans Territory, as his secret agent to investigate the situation and, with the help of the civil and military authorities of the West,[4] to bring offenders to justice.

On the sixth of November Burr dispatched a letter to Blennerhassett in which he says:

"Yesterday Mr. Jos. Davis (Daveiss), the District Attorney of the United States, made an application to the federal court at Frankfort [5] for a warrant to apprehend me for treasonable practice, as on some suspicion thereof. The charge is not well defined by my informant, but the substance is, 'a design to attack the Spanish dominions, and thereby endanger the peace of the United States.'

[1] Safford's "Blennerhassett Papers," p. 40.

[2] "One million French acres." See "Palladium," December 18, 1806.

[3] For full description of these lands, formerly the property of Baron Bastrop, see the "Palladium," Frankfort, December 18, 1806.

[4] Jefferson's Message of January 22, 1807.

[5] Safford's "Blennerhassett Papers," p. 153. "Palladium," Frankfort, November 6, 1806.

"How this charge was supported I have not heard; but absurd and ridiculous as it may appear, the Judge has taken time until this day to consider if he should refuse to grant the warrant. He must expect a tornado of abuse from the 'W. World' and some other papers. . . . Unfortunately this being a proceeding on suspicion and previous to any inquiry by a grand jury, no immediate trial can be had. . . . You perceive, my dear sir, that this step will embarass me in my project of the Washita settlement. . . ."

This letter indicates that, even at this time, Blennerhassett was not informed of the real object of Burr's plans; but was still laboring under the delusion that he was engaged in a project for the settlement of the Bastrop lands.

The action of the District Attorney, in taking the step here described, was based upon a careful investigation of such facts as could be ascertained with reference to Burr's projects. After having satisfied himself as to their unlawfulness, he had sent repeated warnings to the President, giving him such information as he had gathered, and mentioning such names as he felt could certainly be identified with the plot. The occasional replies which he had received were carefully guarded; but it must be presumed that Jefferson had not failed to note every bit of information, from this or any other source, with reference to the conspiracy. Orders had already been issued to the "Governors of the Mississippi and Orleans Territories, and to the commanders of the land and naval forces, to be on their guard against surprise and in constant readiness to resist any enterprises that might be attempted;" and instructions were about to be dispatched

to General Wilkinson, directing him to come to a speedy agreement with the Spanish commander on the Sabine, and fall back to the east side of the Mississippi.[1] These orders Wilkinson had anticipated, and was already engaged in putting his district into a condition of defence, before the beginning of Daveiss' process against Burr in the Kentucky court.[2]

The affidavit [3] upon which Daveiss proposed to ground his indictment declares that: " . . . The Deponent is informed, and doth verily believe, that a certain Aaron Burr Esq. late vice president of the . . . United States, for several months past, hath been, and is now engaged in preparing, and setting on foot, and in providing and preparing the means, for a military expedition and enterprise within this district, for the purpose of descending the Ohio and Mississippi therewith, and making war upon the subjects of the King of Spain, who are in a state of peace with the people of these United States; to wit: on the provinces of Mexico, on the westwardly side of Louisiana which appertain and belong to the King of Spain, an European prince with whom these United States are at peace. And said deponent further saith, that he is informed and fully believes that the above charge, can be, and will be, fully substantiated by evidence, provided this honorable court will grant compulsory process to bring witnesses to testify thereto. And the deponent further saith, that he is informed, and fully believes, that the agents and emissaries of the said Burr, have purchased up, and are continuing to pur-

[1] Message of January 22, 1807.

[2] "Palladium," Frankfort, November 6, 1806.

[3] Quoted in Judge Innis's opinion, "Palladium," Frankfort, November 13, 1806.

chase, large stores of provisions, as if for an army; while the said Burr seems to conceal in great mystery from the people at large, his purposes and projects, while the minds of good people of this district, seem agitated with the current rumor that a military expedition against some neighboring power, is preparing by said Aaron Burr. Wherefore, said attorney, on behalf of the said U. States, prays, that due process issue to compel the personal appearance of the said Aaron Burr, in this court; and also of such witnesses as may be necessary on behalf of the said United States; and that this honorable court, will duly recognize the said Aaron Burr, to answer such charges as may be preferred against him in the premises; and in the meantime, that he desist and refrain from all further preparation and proceeding in the same armament within the said United States, or the territories or dependencies thereof." [1]

After reading this affidavit, Daveiss explained that he was prepared to conduct a prosecution upon the case as to an expedition against Mexico, but added: "I have information on which I can rely, that all the western territories are the next object of the scheme—and finally, all the region of the Ohio is calculated as falling into the vortex of the new proposed revolution." The Federal statute,[2] which the attorney claimed had been violated by Colonel Burr, was then read, and the judge announced that he would consider the case and would deliver his opinion upon the following Saturday.

At the appointed time he took up the question, overruling the motion for a process against Burr as unprece-

[1] Marshall, II, pp. 393–394; "Palladium," November 13, 1806.
[2] "Palladium," November 13, 1806, contains the statute.

dented, and resting on the discretion of the court.[1] In the meantime Burr had come in and insisted that the trial should take place, in order that he might be given an opportunity to repel, in a proper [2] and dignified manner, the charges which had been so openly brought against him. It was accordingly arranged that the trial should be opened on Wednesday, November 11th: the subpœnas were sent out to such persons as the attorney desired as witnesses; and the Grand Jury was impaneled of persons then in court. After the swearing in of these jurors, they were adjourned to meet on the day appointed for the trial.[3]

The attorney felt that the success of his prosecution was assured: though Burr was active and skillful in preparing for his defence, and had selected as his counsel Henry Clay, now a rising young lawyer and politician of the State, lately chosen to fill a temporary vacancy in the United States Senate.[4]

Meantime the news had been widely circulated that Aaron Burr, late Vice-President, was to be tried at Frankfort upon charge of "High Misdemeanor," and, on the appointed day, the town "was crowded with persons from all quarters, beyond any former example." [5] Many witnesses had arrived, and intense eagerness and impatience were manifested on every hand.

About one o'clock Burr appeared, in company with his

[1] "Palladium," November 13, 1806, gives text of the opinion.

[2] Butler, p. 313; Marshall, II, p. 395.

[3] "Palladium," November 13, 1806.

[4] The vacancy had been caused by the resignation of Gen. John Adair. Colton's "Private Correspondence of Henry Clay," p. 14, note. Burr's "Letter to Clay" asking his legal aid is given on p. 13 of same volume.

[5] "Palladium," November 13, 1806.

counsel. All was in apparent readiness, and the judge was on the point of delivering his charge, when Daveiss rose and moved that the Grand Jury be dismissed on the ground that Davis Floyd, an important witness for the prosecution, was not present.[1] The disappointment of the audience was quite evident, public sentiment, which had, from the first, been strongly in favor of Colonel Burr exhibiting itself in a burst of indignation. Daveiss, however, successfully persisted in his demand for postponement, in spite of the ridicule and laughter of the spectators, while Burr, having gravely requested that the cause of the delay be recorded, took a few moments in which to address to the judge remarks intended for the audience,[2] as he fully realized that public opinion would be an important factor in the success or failure of his schemes. He told them that their fears were groundless, as they would see if the attorney should ever get ready for the trial, which, he insinuated, would never be the case. His manner was so confident, and the marvelous fascination of his personality so overpowering, that many who had been inclined to credit the accusations, felt themselves irresistibly won over to his side, and disposed to regard him as an innocent gentleman, pursued by the hatred and jealousy of his political enemies.

After the dismissal of this first Grand Jury, Burr sought to induce John Rowan, Secretary of State for Kentucky, and a member of Congress elect, to engage with Clay as his counsel; but Rowan declined, upon the ground of his recent election to Congress, declaring that he did not think it proper, under such conditions, to engage as a party in a

[1] "Memoir of Henry Clay," p. 32.
[2] Marshall, II, p. 397.

controversy which might involve fidelity to the general government. This excuse Burr accepted for the time; but, upon a subsequent occasion, he reopened the question, and began an argument concerning the objections, which that gentleman had expressed, to appearing as his attorney. His remarks, however, were cut short by Rowan's statement that, "he had been taught from early childhood not to reason on subjects which his feeling in the first instance condemned." [1] This troubled Mr. Clay, also a member elect of the Federal Congress, and he asked Rowan's advice as to whether he should not also withdraw from the case, upon the same excuse. Rowan suggested that, in view of the fact of Clay's having already undertaken the case, it would be a better course to demand of his client, "a declaration upon his honor, that he was engaged in no enterprise hostile to the peace or union of the country." [2] And well it was for the "Great Commoner" that this precaution was taken, as otherwise his defence of Burr might have seriously injured his reputation as a patriot. To Clay's demand, Burr responded in the following words, dated December 1st, 1806.

"I have no design, nor have I taken any measure to promote a dissolution of the Union, or a separation of any one or more States from the residue. I have neither published a line on this subject, nor has any one, through my agency, or with my knowledge. I have no design to intermeddle with the government, or to disturb the tranquility of the United States, nor of its territories, or any part of them. I have neither issued, nor signed, nor promised a commission to any person, for any purpose.

[1] Butler, p. 316.
[2] Ibid., p. 315.

I do not own a musket, nor a bayonet, nor any single article of military stores, nor does any person for me, by my authority, or my knowledge. My views have been explained to, and approved by several of the principal officers of the government, and, I believe are well understood by the administration, and seen by it with complacency; they are such as every man of honor and every good citizen must approve. Considering the high station you now fill in our national councils, I have thought these explanations proper, as well to counteract the chimerical tales, which malevolent persons have industriously circulated, as to satisfy you that you have not espoused the cause of a man in any way unfriendly to the laws, the government or the interests of his country." [1]

This daring falsehood completely deceived Clay, and he entered upon plans for Burr's defence with the enthusiasm and ability, which later made him such a power in the affairs of the nation.

Meanwhile Daveiss had ascertained that Floyd was at liberty to answer his summons, and, convinced that all necessary witnesses could now be brought together, he again made arrangements for the prosecution.[2] A second Grand Jury was impaneled and sworn, and Burr and his counsel once more appeared in court, but the District Attorney, again embarrassed by the absence of an important

[1] Full text, Colton's "Private Correspondence of Henry Clay," pp. 13–14; Prentice, "Biography of Henry Clay," 1831 Ed., pp. 32–33; "Memoir of Henry Clay," p. 33.

[2] "In the Federal Court on Tuesday morning last, the Attorney for the United States, renewed his motion for a grand jury, to enquire into the conduct of Col. Burr, which the court granted, and directed the Marshall to have the Jury ready on Tuesday next. . . . The Attorney introduced his motion by observing that Mr. Davis Floyd . . . had returned. . . ." "Palladium," Frankfort, November 27, 1806.

witness, this time General John Adair, declared that, as the latter's testimony was essential to the prosecution of the case, he must be granted still further delay.

At this, Mr. Clay entered a strong protest, stating that Colonel Burr had business engagements which made it extremely inconvenient for him to remain so long in attendance upon a process, which gave no promise of ever being completed. He demanded that the attorney proceed at once to the trial, or dismiss the case and abandon the prosecution.

Daveiss replied that there was no need for Burr and his counsel to appear in court until indictment was found,—but that he, as attorney for the United States, had the right to determine when the case should be opened.

Then followed a long and impassioned debate,[1] ending with the decision of the court that the case must be opened at once, or the jury discharged. Daveiss, thus forced to proceed, declared that he would present his indictment to the jury on the following morning and moved an attachment against General Adair.

Against the granting of such an attachment Burr's counsel argued that, as that witness had not been required to attend at any particular hour, but only on that day; and, as the day was not yet spent, he was not yet in contumacy, and could not therefore be fairly subject to attachment. This argument prevailed, and the court refused the process.

The session was then adjourned until ten o'clock the following morning, and Daveiss set about devising some

[1] The details of trial and evidence in this case are given in the "Palladium," Frankfort, December 11, 1806. It is reproduced quite fully in Marshall, II, pp. 404-409.

means of delaying the process against Burr until the attendance of Adair could be secured. The latter's name had been often connected with that of Burr, as a partner in the mysterious projects, and he had even avowed a knowledge of them, though stoutly denying any participation in them.[1] To bring an indictment against him, therefore, seemed possible, and by this means his attendance might be secured in time for the process against Burr which was to follow.

Accordingly, upon the reassembling of the court (December 3, 1806), Daveiss delivered to the foreman of the Grand Jury a paper, saying in an audible voice, "This is an indictment against General John Adair." The indictment charged Adair with setting on foot, and preparing a "military expedition and enterprise . . . against the dominions of the King of Spain, who is an European prince, at peace with the . . . United States." [2]

Daveiss' plan was successful in securing the attendance of Adair, who, on the following day, made his appearance in court. On the same day, the jury returned the indictment against him, with the verdict—

"Not a true bill."

This failure, however, was an incident of small importance to Daveiss. His chief witnesses were now present, and he was prepared to proceed with the more serious busi-

[1] In a publication made by Adair at Washington (March 1, 1807), he says: "So far as I know or believe of the intentions of Colonel Burr (and my enemies will agree that I am not ignorant on this subject) they were to prepare and lead an expedition into Mexico, predicated on a war between the two governments; without a war I knew he could do nothing. I thought his object honorable and worthy the attention of any man; but I was not engaged in it." Quoted, Marshall, II, pp. 428–429.

[2] Full text of indictment, "Palladium," Frankfort, December 11, 1806.

ness of the indictment against Burr. He presented it in the following words:

"United States of America, Kentucky district, to wit: The grand jury of the United States in and for the body of the said district, do on their oaths present, that a certain Aaron Burr, late of the city of New York, and Vice President of the said U. S. did with force and arms, at the county of Fayette, in said district, on the twenty-fifth day of November last past, wilfully and unlawfully, and from evil premeditation, then and there set on foot, and prepare for a military expedition against the dominions of the King of Spain, who is an European prince, at peace with the said United States, to wit: against the provinces of said King, in North America, contrary to the laws of the said United States, in such cases provided, and against the peace and dignity thereof.

"And the Jurors aforesaid, upon their oath aforesaid, do further present, that the said Burr did at said district, to wit: At the County of Jefferson, on the day and in the year aforesaid, then and there, wilfully and unlawfully, with force and arms, prepare and provide the means for carrying on a military expedition and enterprise against the dominions of the King of Spain aforesaid, who is at peace with the said United States to wit: the provinces in North America, which are of the dominions of the said King of Spain, contrary to the laws of the United States, in such cases provided, and against the peace and dignity of the said United States.

"And so the Jurors aforesaid, upon their oath aforesaid, do say that the said Aaron Burr, is guilty of the misdemeanors aforesaid, contrary to the laws of

the United States, and against the peace and dignity thereof.[1]

"J. H. Daveiss for U. S."

The indictment having been read, the Grand Jury retired, to examine the witnesses and to frame their verdict in private. The details of the examination are not known; but we do know that Wood and Street, editors of the "Western World," presented their testimony with the other witnesses. They had loudly proclaimed their intimate acquaintance with Burr's projects, and his contracts and engagements with John Brown, James Wilkinson, John Adair and the rest; but they strangely failed to convince the jury, their testimony being all in favor of Burr. They declared themselves satisfied that the contracts and engagements with John Brown and General Wilkinson, referred to in their articles in the "Western World," related "only to opening a canal on the Ohio." [2] The explanation will readily occur to anyone familiar with the political methods of Aaron Burr.

On December 5 the Grand Jury came into court with the verdict—

"Not a true bill,"

and the foreman proceeded to inform the court, that, in consideration of the unusual public excitement, caused by the subjects which had been before the Grand Jury, they had thought it their duty to present the following report:

"The Grand Jury are happy to inform the court, that no violent disturbance of the public tranquility, or breach of the laws, has come to their knowledge.

[1] "Palladium," December 11, 1806.

[2] "Palladium," Frankfort, December 11, 1806, gives their evidence in the case.

"We have no hesitation in declaring that having carefully examined and scrutinized all the testimony which has come before us, as well on the charges against Aaron Burr, as those contained in the indictment preferred to us against John Adair, that there has been no testimony before us which does in the smallest degree, criminate the conduct of either of those persons; nor can we, from all the inquiries and investigation of the subject, discover that anything improper or injurious to the interests of the government of the United States, or contrary to the laws thereof, is designed or contemplated by either of them." [1]

This rejection of the indictment by the unanimous consent of the twenty-two members of the Grand Jury, was regarded by the community as a complete vindication of Burr and his friends; [2] but their exultation was of short duration. Graham, the President's private agent, had visited Marietta, and Blennerhassett, relying upon Burr's former statement to that effect, had mistaken him for a fellow conspirator, and revealed to him what he knew, and, more important still, what he did not know of Burr's plans.[3] Graham had promptly applied to the Governor of Ohio to seize the boats and stores on the Muskingum, and the Ohio Legislature had authorized their capture, which had been immediately made.[4]

Meanwhile the President had received information

[1] "Palladium," Frankfort, December 11, 1806.

[2] Jefferson's "Message of January 22, 1807;" "Palladium," February 12, 1807.

[3] Safford's "Blennerhassett Papers," pp. 155–156.

[4] "Palladium," December 25, 1806, for Message of the Governor of Ohio and details of the State's action. Also details in Governor's next message. "Palladium," January 1, 1807.

which left no doubt in his mind as to Burr's intentions. General James Wilkinson had lost faith in the glorious enterprise, and had acted the part of double traitor by dispatching to Jefferson, a letter[1] reproducing, as he claimed, a cipher communication which Burr had sent him from Philadelphia, on July 29, 1806. This is the letter which figured so largely in Burr's subsequent trial at Richmond, and concerning which Chief Justice Marshall, who presided over that trial, declared:

"To make the testimony of Gen. J. Wilkinson bear on Col. Burr it is necessary to consider as genuine, the letter stated by the former to be, as nearly as he can make it, an interpretation of one received from the latter in cipher. Exclude this letter, and nothing remains in the testimony which can in the most remote degree affect Col. Burr." [2] It reads as follows:[3]

"Your letter, postmarked 13th. May, is received. At length I have obtained funds, and have actually commenced. The eastern detachments from different points, and under different pretenses, will rendezvous on the Ohio, 1st. of November. Everything internal and external favors our views. Naval protection of England is secured. Truxton is going to Jamaica, to arrange with the admiral at that station. It will meet us at the Mississippi—Eng-

[1] Concerning this letter Jefferson, in his Message of January 22, 1807, says, "With the honor of a soldier and the fidelity of a good citizen . . . Wilkinson . . . despatched a trusty officer to me with information of what had passed. . . ." See also "Memoir of Henry Clay," p. 35.

[2] "Palladium," April 30, 1807.

[3] In his affidavit, sworn to on December 26, 1806, and sent to Congress with Jefferson's Special Message of January 26, 1807, Wilkinson pretends to have listened to Burr's propositions in order to get at the actual facts in the case, and thus be better able to defeat them. "Palladium," February 19, 1807, for text of his affidavit.

land—Navy of the United States, are ready to join, and final orders are given to my friends and followers. It will be a host of choice spirits. Wilkinson shall be second to Burr only, and Wilkinson shall dictate the rank and promotion of his officers. Burr will proceed westward 1st. of August, never to return. With him go his daughter and grandson. The husband will follow in October, with a corps of worthies. Send, forthwith, an intelligent friend with whom Burr may confer. He shall return immediately with further interesting details; this is essential to harmony and concert of movement. Send a list of all persons known to Wilkinson west of the mountains, who could be useful, with a note delineating their character. By your messenger, send me four or five of the commissions of your officers which you can borrow under any pretence you please. They shall be retained faithfully. Already are orders given to the contractor to forward six months' provisions to points Wilkinson may name; this shall not be used until the last moment, and then under proper injunctions. Our project, my dear friend, is brought to a point so long desired. Burr guarantees the result with his life, and honor, with the lives and honor, and the fortunes of hundreds, the best blood of our country. Burr's plan of operation is to move down rapidly from the falls, on the 15th. of November, with the first five hundred or one thousand men, in light boats now constructing for that purpose, to be at Natchez between the 5th. and the 15th. of December, there to meet you, there to determine whether it will be expedient, in the first instance, to seize on, or pass by, Baton Rouge, . . . on receipt of this, send Burr an answer . . . draw on Burr for all expenses, etc. The people of the country to which we are going are prepared to

receive us; their agents, now with Burr, say that if we will protect their religion, and will not subject them to a foreign power, that, in three weeks, all will be settled: The gods invite us to glory and fortune; it remains to be seen whether we deserve the boon. The bearer of this goes express to you, he will hand a formal letter of introduction to you, from Burr; he is a man of inviolable honor and perfect discretion, formed to execute rather than project, capable of relating facts with fidelity, and incapable of relating them otherwise. He is thoroughly informed of the plans and intentions of . . . and will disclose to you, as far as you inquire, and no further; he has imbibed a reverence for your character, and may be embarrassed in your presence; put him at ease, and he will satisfy you." [1]

Two days after the receipt of this letter, Jefferson issued his Proclamation of November the twenty-seventh,[2] warning all who had been led to take part in the unlawful enterprise, to withdraw from it, and requiring all civil and military officers of the United States, or of any State or Territory to search out and bring to justice, all who should be found to be engaged in it.[3]

Graham, after accomplishing the capture of the armament upon the Muskingum, hastened to Frankfort, where he easily persuaded the Legislature to pass an act [4] similar

[1] "Palladium," February 12, 1807, for text; also Marshall, II, pp. 424–425; "Blennerhassett Papers," pp. 167, 169, etc.

[2] Text, "Palladium," December 25, 1806. The date of the receipt of Wilkinson's letter is given in Jefferson's Message of January 22, 1807.

[3] A dispatch from New Orleans dated December 8, declared: "It is said his Excellency, General Wilkinson, has given orders to have all the forts of this place repaired, the city picketed in, and put in a complete state of defence." "Palladium," January 15, 1807.

[4] "An act to prevent unlawful warlike enterprises." Text, "Palladium," January 1, 1807; see also Jefferson's Message of January 22, 1807.

to that just passed in Ohio, and, under its provisions, militia were posted upon the banks of the river, with orders to capture such scattered remnants of Burr's forces as might attempt to pass down.

Colonel Tyler, with four or five boats from the region of Beaver, Pennsylvania, had already passed the Falls, where David Floyd, with two or three other vessels, had joined him. Burr, who had gone on to Nashville, soon joined them with two boats and a few men. Even his courage must have failed at finding himself, instead of the leader of a gallant army of invasion, floating down the river with ten boats and less than a hundred men,[1] bound for the conquest of an Empire. But as yet he was ignorant of Wilkinson's treachery and the President's Proclamation. As soon as these became known to him he realized that his cause was irreparably lost, and surrendered himself to the civil authorities of the Mississippi Territory, where he was again presented to the Grand Jury for indictment, but acquitted for lack of evidence. Hearing that some military officers had been sent by Wilkinson from New Orleans to arrest him, he returned to his boats, discharged his men and plunged into the wilderness, in the hope of escaping to some British vessel lying off the Florida coast.[2]

At last, after many adventures, he was captured near a little village upon the Tombigbee, and taken to Rich-

[1] A letter dated Fort Massac, January 5, 1807, and addressed to General Andrew Jackson says, "On or about the 31st. ult. Col. Burr, late Vice President of the U. S. passed this, with about 10 boats, of different descriptions, navigated with about six men each, having nothing on board that would even suffer a conjecture, more than a man bound to a market. . . . [Signed] Daniel Bissell, Capt. Commanding." "Palladium," February 5, 1807.

[2] "Palladium," March 26, 1807.

mond,[1] where five gentlemen furnished bond, to the amount of ten thousand dollars, for his appearance at the next Circuit Court of the United States, to be held on May 22, 1807.

Thus ends, so far as Kentucky history is concerned, the enterprise which President Jefferson characterized as:

"The most extraordinary since the days of Don Quixote. It is so extraordinary that those who know his (Burr's) understanding would not believe it, if the proofs admitted doubt. He meant to place himself on the throne of Montezuma and extend his Empire to the Alleghany. . . ." [2]

With the final arrest of Burr, and his trial at Richmond, we are not concerned.[3] His part in the history of Kentucky was finished when his last boat passed out into the Mississippi: but it was long before the effects produced by his mysterious conspiracy, his trial and acquittal, disappeared from the State.

The imputation of disloyalty, so freely made against the Kentuckians during the days of Burr's preparations, was bitterly resented. They felt with justice that no section of the country had been more often or more sorely

[1] A notice dated Richmond, Va., March 27, reprinted in "Palladium" of April 23, 1807 says, "Aaron Burr, Ex Vice President of the U. States, is now in this city guarded as a state prisoner." Then follows an account, gleaned from his captors, of the details of his arrest.

[2] Parton's "Burr," p. 456.

[3] The ruling of John Marshall, who presided at that famous trial, gave rise to the suspicion, doubtless wholly unjust, that he was a strong Burr partisan. The accusation, however, was particularly pleasing to the friends of John Brown, whose hospitable entertainment of Burr during his frequent visits to Frankfort, had firmly linked his name with that of the great conspirator. In October, 1807, a letter was sent him from his brother Sam Brown, then in New Orleans, in which the question is gleefully asked. ". . . How will Mr. Humphrey Marshall and his backers shape their course now that Brother John is so directly charged with being a partisan of Burr's and yielding to all Burr's wishes in the trial. . . ." Brown MSS.

tempted to disunion, and that, in spite of all temptations, they had remained, as a people, staunchly loyal. To openly repudiate all connection or sympathy with Burr's projects, a mass meeting assembled at Lexington during the early days of January, 1807[1] and, after appropriate patriotic addresses, adopted a resolution which declared:

". . . That all charges or insinuations against the people of this State, of disaffection to the union or government of the United States, are gross misapprehensions and without foundation," and it is not too much to claim that this resolution fairly represented public opinion in the Pioneer Commonwealth.

[1] Account, "Palladium," January 8, 1807.

CHAPTER XI

KENTUCKY IN THE WAR OF 1812

WITH Burr's trial and acquittal in 1807, foreign plots and schemes of revolution came to an end in Kentucky; but, even as they ceased, the international complications, in which the Federal Government had long been involved, began to claim the indignant attention of the pioneer commonwealth. "The Palladium," early in July, 1807, contained this startling announcement:

"HIGHLY IMPORTANT

"Just as this paper was going to press we were informed that the U. S. frigate *Chesapeake*, Commodore Barron, has been fired on by the British man of war, the *Leopard*. The frigate, it appears, had on board three or four American Seamen who had been impressed by the British and from whom they had made their escape. The captain of the *Leopard* required them to be delivered up to him, which was refused. As soon as the frigate sailed (which was carrying out supplies to the Mediterranean) the *Leopard* followed, and off the capes of the Chesapeak Bay, attacked her, killed 7 or 8 men and wounded many others. The frigate, it appears, made no resistance, not having her guns prepared for action. After being much shattered by the unexpected attack, she consequently struck. The impressed men were taken out, and the frigate left to proceed as well as she could. We believe she has returned to port."

At once the hatred of England which, in Kentucky, had been smoldering since the days of Jay's treaty, leaped into a blaze. There were few firesides within the shadow of her forests, where tales of British wickedness had not served to beguile the long winter evenings; and the history of the series of British aggressions upon our commerce may be traced as clearly in the files of Kentucky newspapers as in the papers of the Coast States themselves. The significance of this incident, now known to history as "the affair of the Chesapeake," was, therefore, perfectly clear to the average Kentuckian. To him, as to his fellow countrymen of the East, it meant that England's contempt for the new Republic, so long manifested by studied acts of insult, had entered upon a new stage, where it was to express itself in open violence. Hitherto only merchant vessels had been subjected to the humiliation of a search by British captains; but, in the present instance, the insult had been offered to an American war ship, representing the sovereignty of a free and independent nation.

Instantly the pioneers of Kentucky repaired to the nearest centers of population, to join with their fellows in war-talk and defiant resolutions. In all the chief towns of the State, mass meetings assembled, to voice the general sense of indignation against England, and to present resolutions of a warlike character, condemning this, and all similar "acts of piracy," and pledging loyal support to the administration.[1]

The administration of Thomas Jefferson, however, was not inclined, even in the face of strong provocation, to en-

[1] Copies of these resolutions appear, e. g., in "Palladium," July 30, Aug. 20, etc., 1807. Similar resolutions were common throughout the entire country at the time. See McMaster, III, pp. 259–267.

courage the war spirit. The President had fixed his eyes upon one goal, that of "seeing an end of our national debt," [1] and refused to allow himself to be diverted from it.

In response to the war cry from Kentucky, orders were indeed sent to the governor "to hold in readiness for immediate service 5,212 volunteers or drafts"; [2] but Kentucky waited in vain for the expected call to arms.

The war spirit, however, continued to burn brightly, as is shown by the following entry in the journal of the Kentucky House of Representatives, under date of January 6, 1808.

"We cannot repress our indignation when contemplating the acts of perfidy and murder of the British navy, and with one voice express a wish that the general government may adopt prompt and effective measures to support the insulted and degraded majesty of the American nation, and convince her lordly enemies that her rights shall not be invaded, nor her dignity insulted, with impunity.

". . . We are willing not only to express the public sentiment, but also to pledge our honor, our blood and treasure in support of such measures as may be adopted by the general government, to secure and protect the peace, dignity, and independence of union against foreign invasion, and to chastise and bring to a state of reason our haughty and imperious foes." [3]

Jefferson, however, believed that he saw a peaceful means of compelling England and France to respect our flag; and he therefore entrusted the defence of American

[1] W. E. Curtis, "The True Thomas Jefferson," p. 170.

[2] "Palladium," July 30, 1807. See also Governor Scott's address to the Freemen and Soldiers of Kentucky, "Palladium," November 24, 1808; Marshall, II, p. 459; Butler, p. 327; McMaster, III, p. 264.

[3] The "Palladium," January 21, 1808.

interests to an embargo (unlimited as to the time of its duration [1]), under whose baneful shadow, his administration, so glorious at its beginning, came to a dishonored end. By the opening of January, 1809, it was evident that the embargo policy had failed, and its repeal was assured.

But, even in the face of this complete failure, Kentucky remained loyal to Thomas Jefferson. Shortly before his retirement, her brilliant young adopted son, Henry Clay, after consultation with the newly elected Governor, Charles Scott, presented to the Legislature a set of resolutions,[2] declaring the embargo, "a measure highly judicious and . . . the only honorable expedient to avoid war . . . ," and Thomas Jefferson, "entitled to the thanks of his country for the ability, uprightness, and intelligence which he has displayed in the management, both of our foreign relations and domestic concerns."

Such wholesale commendation of a policy, which had so manifestly failed to accomplish the results desired by its author, called forth a protest from Humphrey Marshall, the only militant Federalist left in the Kentucky Legislature. Clearly discerning the utter futility of Jefferson's pusillanimous policy, he drafted and offered, as a substitute for Clay's resolutions, a series of his own,[3] reflecting upon Jefferson's administration, and calling for a repeal of the embargo. The only honorable or patriotic course open to the nation—so ran Marshall's resolutions—

[1] Details of adoption of embargo policy, McMaster, III, pp. 276, 278. The embargo went into force December 22, 1807. Ibid.

[2] "Memoir of Henry Clay," p. 41, in "Life and Speeches of Henry Clay," Anon., New York; Greeley and McElrath, Tribune Building, 1843, 2 vols. Text, "Palladium," December 22, 1808.

[3] Full text, Marshall, II, pp. 460–463; "Memoir of Henry Clay," p. 41.

is, "to resume the practical exercise of those just rights of navigation and commerce, which have been suspended . . . and to defend them with all the energies of a people determined to be free and independent."

Both series of resolutions advocated "a bold and manly resistance" to all foreign aggressions,[1] but those of Marshall reflected upon Jefferson, who was still the idol of the Kentucky pioneers, and so were doomed to an ignominious defeat. When the votes were finally taken, only one was registered in favor of them, and that was the vote of Mr. Marshall himself.[2] Clay's resolutions then passed, "all the members present voting in the affirmative, except Mr. Marshall," as the next issue of the local papers gleefully assures us.[3]

But the conflict was not yet at an end. Clay and Marshall continued to discuss the merits of their respective positions, Federalism against Republicanism, and the language, upon both sides, became more and more abusive, until the inevitable demand was made, for "the satisfaction known among gentlemen."

The newspapers of a few weeks later give us full details of the encounter.

"On Thursday morning last," says the "Palladium" of January 26, 1809, "a duel was fought in the Indiana Territory, near the mouth of Silver creek, by Henry Clay and Humphrey Marshall, Esq. . . ." [4]

[1] Mr. Marshall's words were slightly different, but their meaning was identical: To defend our national rights "with all the energies of a people determined to be free and independent."

[2] Marshall, II, p. 462.

[3] "Palladium," December 22, 1808. The vote was 64 to 1 in favor of Mr. Clay's Resolutions.

[4] The encounter took place, therefore, on January 19, 1809. See Collins, I, p. 26.

"The following correspondence and statement relative to this affair have been handed to us for publication.

"January 4, 1809.

"SIR: After the occurrences in the house of Representatives on this day, the receipt of this note will excite with you no surprise. I hope on my part I shall not be disappointed in the execution of the pledge you gave on that occasion, and in your disclaimer of the character attributed to you. To enable you to fulfil these reasonable and just expectations, my friend, Major Campbell, is authorized by me to adjust the ceremonies proper to be observed.

"I am, Sir, Yours etc.,

"HENRY CLAY."

"January 4, 1809.

"SIR: Your note of this date was handed me by Major Campbell—the object is understood, and without deigning to notice the insinuation it contains as to character, the necessary arrangements are, on my part, submitted to my friend, Colonel Moore.

"Yours, Sir, etc.,

"H. MARSHALL.

"Rules to be observed by Mr. Clay and Mr. Marshall on the ground, in settling the affair now pending between them.

"1. Each gentleman will take his station at ten paces distance from the other, and will stand as may suit his choice, with his arms hanging down and after the words, Attention! Fire! being given, both may fire at their leisure.

"2. A snap or flash shall be equivalent to a fire.

"3. If one should fire before the other, he who fires first

shall stand in the position in which he was when he fired, except that he may let his arm fall down by his side.

"4. A violation of the above rules by either of the parties (accidents excepted) shall subject the offender to instant death."

"JOHN B. CAMPBELL.
"JAMES F. MOORE.

"Conformably to previous arrangement, Mr. Clay and Mr. Marshall, attended by their friends, crossed the Ohio at Shippingport, and, an eligible spot of ground presenting itself immediately below the mouth of Silver creek, ten steps, the distance agreed on, was measured off, and each gentleman took his position. The word being given, both gentlemen fired: Mr. Marshall's fire did not take effect. Mr. Clay succeeded as far as to give Mr. Marshall a slight wound on the belly. Preparations were then made for a second fire: Mr. Marshall again fired without effect. Mr. Clay snapped, which, agreeably to rules agreed on, was equivalent to a fire. A third preparation was made, when each gentleman stood at his station waiting for the word: Mr. Marshall fired first, and gave Mr. Clay a flesh wound in the right thigh—Mr. Clay fired without effect. Mr. Clay insisted on another fire, very ardently; but his situation, resulting from his wound, placing him on unequal grounds, his importunate request was not complied with.

"We deem it justice to both gentlemen to pronounce their conduct on the occasion, cool, determined, and brave, in the highest degree.

"Mr. Clay's friend was under an impression that Mr. Marshall, at the third fire, violated a rule which required

that he who fired first should stand in the position in which he was when he fired; but Mr. Marshall's friend being convinced that Mr. Clay had fired previous to Mr. Marshall's moving from his position—this circumstance is considered as one in which gentlemen may be mistaken on such occasions, and is not to be noticed in this affair.

"JOHN B. CAMPBELL.
"JAMES F. MOORE.

"Thursday Jan. 19, 1809." [1]

About six weeks after this duel, the author of the Declaration of Independence retired from the Presidency, conscious of the fact that all his political ingenuity had failed to maintain the independence of his country. He saw, as no clear-sighted man of the day could have failed to see, that diplomacy and peaceful negotiations had exhausted their resources, and that the nation stood face to face with actual war with either England or France, and perhaps with both.[2]

On March 4, 1809, James Madison took the oath of office, and began his hopeless attempt to steer the nation out of the current of European war. Like his great predecessor, Madison was a man of peace. His disposition and peculiar abilities had enabled him to play a leading part in constructive statesmanship, but he was sadly lacking in the elements of character necessary for meeting a crisis such as now confronted the country, and he lacked also that

[1] The Legislature, in December session, 1811, passed an act more effectually to suppress the practice of duelling. "The Reporter," Lexington, February 15, 1812.

[2] "Our situation," said Jefferson, "is truly difficult. We have been pressed by the belligerents to the very wall, and further retreat is impracticable." Curtis' "True Thomas Jefferson," p. 172.

strong hold upon party loyalty which had characterized Thomas Jefferson. The immediate result was a period of uncertainty, weakness and consequent business disturbance which was poorly calculated to prepare the nation for war with England.

Jefferson, during the last days of his administration, had declined to take any part in the initiation of new policies;[1] and Madison, therefore, as soon as his election was assured, had let it be known that he favored the immediate lifting of the embargo, and the substitution of a policy of non-intercourse with the belligerent powers of Europe. Congress had at once passed a law embodying this change, and it had gone into operation the day that Madison took the oath of office.[2] Its immediate effect was a temporary return of prosperity. American shipowners began to realize enormous gains, not only by taking advantage of such legitimate trade as the law left open, but also by turning to their own profit certain less reputable openings, which the French or the British Governments made for them.[3] Moreover, Mr. Erskine, the new British Minister, now appeared at Washington, and promptly concluded a treaty obliging Great Britain to withdraw her orders in council, by June 10, 1809, and to respect our neutral trade, upon condition that non-intercourse with England should be withdrawn. Upon the basis of this amicable settlement, Madison issued a proclamation informing his delighted fellow-citizens that, after June 10, they would be free again to trade with every port, which was not subject to the French flag.

[1] Curtis's "True Thomas Jefferson," p. 172.
[2] Text of Bill, Macdonald's "Documentary Source Book," No. 67.
[3] Channing, p. 329.

For a few brief weeks after the appearance of this proclamation, Madison was the idol of both parties. He had broken the meshes of the net in which the nation had seen herself being dragged into a European war. He had secured with ease concessions which Jefferson had failed to secure. He had dissolved, magician that he was, the black war cloud which had threatened the young republic. He had himself assured Congress, in a joyous message, that there would be no war, and the nation might safely trust his knowledge upon this subject. Thus spoke the oratory of the day; but such rejoicings were speedily cut short by the news that England had disavowed Erskine's promises, and declined to ratify his treaty; and Madison saw himself an Ichabod, whose glory had departed from him.

The failure of the Erskine treaty brought no distress to the Kentucky people. To them a war with England meant an opportunity to capture Canada, and to put an end to the British intrigues with the Indians, which they believed to have been responsible for most of the border warfare from which they had so long suffered. They therefore regarded, with ill-concealed disapproval, the flabby policy contained in the famous Macon Bill, No. 2,[1] which provided for the immediate repeal of the non-intercourse act, and authorized President Madison, in case either France or England should "cease to violate the neutral commerce of the United States," to revive non-intercourse with the other, if she refused to follow the same course.

The desire of Kentucky to invade Canada was expressed by Henry Clay, early in February, 1810, in the

[1] Adams's "Gallatin," p. 416.

following words:[1] "The conquest of Canada is in your power: I trust I shall not be deemed presumptuous when I state that I verily believe that the militia of Kentucky are alone competent to place Montreal and upper Canada at your feet. Is it nothing to the British nation; is it nothing to the pride of her monarch, to have the last of the immense North American possessions, held by him in the commencement of his reign, wrested from his dominions? Is it nothing to us to extinguish the torch that lights up savage warfare?"

It was with this idea in mind that Mr. Clay assumed the duties of Speaker of the Twelfth Congress,[2] a post to which he was chosen as the avowed champion of the war policy. He was not yet thirty-five years old,[3] but his youthfulness by no means argued lack of experience in the management of public affairs. For eight years he had been a prominent figure in the lower house of the Kentucky Legislature, and, upon two occasions, had filled temporary vacancies in the United States Senate,[4] where he had attracted general attention by speeches advocating internal improvements at national cost, and a system of national protection for articles of American growth and

[1] Babcock, "American Nation Series," XIII, p. 85.

[2] Clay was chosen Speaker on the first ballot, November 4, 1811, by a vote of 75 against 38 for Bibb of Georgia, the so-called "peace candidate." Niles, I, p. 153; Clay's "Memoir," p. 51.

[3] Henry Clay was born in Hanover County, Virginia, on April 12, 1777.

[4] In 1803 Henry Clay had been chosen to represent Fayette County in the lower house of the Kentucky Legislature, and had been regularly returned at each election until 1806. In that year he had been chosen to fill out the unexpired term of General Adair, one of Kentucky's United States Senators. At the close of the session of the Senate, where he had made a considerable reputation as a debater, Clay had returned to his position as the representative of Fayette County in the Kentucky Legislature, where he continued to serve until 1809, when he was again sent to the United States Senate, this time to fill a

manufacture.[1] He entered Congress, therefore, not as an unknown representative from the West, as we are sometimes led to believe, but as a man whose ability for leadership had already been tested.

The new House of Representatives, over which Clay was called to preside at this critical period, was composed largely of men whose influence in national affairs as yet lay in the future. Of the one hundred and forty-two representatives, seventy were just beginning their careers, and they chose Mr. Clay, Speaker, more for what his past seemed to promise, than for anything which he had actually accomplished.

"From the moment," writes Schouler, that "this tall, slender, son of Kentucky, with long brown hair, blue eyes, large mouth, peaked nose, and shaven face, mounted the steps and took the gavel into his hand . . . the House [had] the popular leader which two Presidents had sought in vain; and the country a foreign policy, the most spirited, if not the wisest." [2] Mr. Madison might hesitate and urge new peace measures, but such a house, with such a Speaker, could not long be kept quiet, and, under the influence of the policy of Macon's Bill No. 2, matters had already reached a point where it required no Pericles to see that a war was brewing.

In the provisions of that bill, Napoleon had seen his

vacancy caused by the resignation of Mr. Thurston. At his retirement from this post of honor, where his abilities as an orator and debater won him distinction, Clay was elected to represent the Fayette District of Kentucky in the national House of Representatives. His choice as Speaker of the Twelfth Congress was a signal tribute to the capacity for leadership which he had shown in each of these positions. Collins, II, pp. 208–209, etc.

[1] He had also taken a prominent part in the destruction of the national bank. Carl Schurz, "Henry Clay," I, p. 64.

[2] Schouler, II, p. 338.

opportunity to embroil the United States in a war with his great antagonist, and, with characteristic disregard of truth, had notified Mr. Madison that his decrees against American shipping had been revoked, and would cease to have any effect, after the first day of November, 1810.[1] This meant, of course, that, if England should decline to take a similar step, non-intercourse must be revived against her.

With a faith in the sincerity of Napoleon's declaration which, to men of our own generation, seems almost incredible, Madison had confidently awaited a similar assurance from England. But Great Britain, too honest to resort to Napoleon's unworthy tactics, and too independent to make the concessions demanded, had remained unresponsive, apparently indifferent to the danger of renewed non-intercourse. At last Madison, confident in the strength of his peaceful weapon, had issued a proclamation,[2] declaring that, on February 2d, 1811, intercourse with England and her dependencies would cease, and would remain suspended until she should repeal her obnoxious orders. Even this declaration had failed to bring England to terms, and, as the spring, summer and autumn of 1811 had passed, there had been no sign of relenting by the British Government.

Meanwhile it had become evident that the actions of France comported ill with the assurances given by her Emperor. American ships were still being captured and condemned. New decrees had been issued; the revoked decrees themselves were still acted upon; and Madison

[1] Wilson's "History of the American People," III, p. 206.

[2] Proclamation of November 2, 1810. Text, Amer. State Papers, Second Edition, VIII, pp. 11–13.

saw the nation dragged nearer and nearer to war, by means of the very program which had been designed to maintain peace. At the time when Clay took up the duties of Speaker it seemed only a question of whom we should fight.

France had given pledges, pledges indeed which she had made little pretence of keeping, but it seemed somewhat compatible with national dignity to act as though we still credited them. England, on the other hand, had held out nothing that could possibly be seized upon as an olive branch. To fight England, and disregard the ill-concealed insults from France, seemed, therefore, the most bearable course, for no one deemed it possible to declare war against both the belligerents at once.

In the mind of the young Speaker of the House and the band of new men who eagerly followed his lead, there lurked also the ancient grievance of the West, the British proneness to incite Indian border warfare. The belligerent powers were striking, with almost equal disregard of neutral rights, at the commerce of the Coast States: but England alone stood accused of tampering with the Western tribes; and, to the people of the new West, this was the great question of the hour. The impressment of American seamen, they resented as an act insulting to their nation; the capture of American trading vessels, they regarded as "piracy"; but the inciting of savages was war. And, even as Mr. Clay took up his Speaker's gavel, he knew that his fellow Kentuckians were taking up the musket, and marching to join an army which Governor William Henry Harrison of the Indiana Territory was to lead against the great Indian confederation of the twin brethren, Tecumseh and "The Prophet;" and, before the debate concerning the questions of foreign complications was con-

cluded, Mr. Clay received news[1] of the success of this expedition.

On November 7, the Kentucky volunteers and a regiment of regulars from Pittsburg, led by Governor Harrison, had crushed the savage allies at Tippecanoe;[2] and had found, what they considered abundant proof, that the British authorities of Canada had put arms into the hands of the Indian chiefs when the war broke out; while Harrison himself, in a letter of December 2, 1811,[3] thus charges England with being directly responsible for the Indian uprising:

"Within the last three months the whole of the Indians on this frontier have been completely armed and equipped out of the King's stores at Malden. . . . The Indians had, moreover, an ample supply of the best British glazed powder—some of their guns had been sent to them so short a time before the action, that they were not divested of the list covering in which they are imported."

It has been frequently insisted that the facts do not sustain this serious charge against the British authorities. Humphrey Marshall unhesitatingly repudiates the idea, declaring that Governor Harrison represented "the Indians as acting under British influence," in order "to justify himself for beginning the war."[4] But, true or false,

[1] The news of the battle of Tippecanoe reached Washington early in December, 1811. See Schouler, II, p. 335. Full details of battle, see No. 15 of "Filson Club Publications," "The Battle of Tippecanoe," by Capt. Alfred Pirtle. The second part reprints a number of valuable documents bearing upon Kentucky's part in this victory.

[2] Marshall, II, pp. 494–506, for text of Harrison's official account of the battle of Tippecanoe, dated Vincennes, November 18, 1811.

[3] Harrison to Col. John M. Scott, of Frankfort, Ky. Niles, I, 311–312.

[4] Marshall, II, p. 491. Foster, in his correspondence of January, 1812, denies the imputation, prior to 1811, but his denial as to more recent dates is only half-hearted. Schouler, II, p. 342, note.

the charge was made and believed, and it seriously affected the attitude of the West toward England, at this critical moment.[1]

Determined upon war with England before the arrival of this news, Clay found himself greatly strengthened and encouraged by it. The committees, which he had appointed, poured their war recommendations into Congress in a ceaseless stream. The opposition was powerless. Randolph declared the charge of British tampering with the Indians quite unproven. "Show but good ground for it [i. e. this charge]," he said, "and I will give up the question and am ready to march to Canada." [2] To Clay and his allies, however, it had been sufficiently proved, and they were already prepared to start the march. Randolph might exhaust his satirical genius in questioning the facts; Madison might hesitate and plead for time; mass meetings in Boston and New York might rail at "the madmen of Kentucky and Virginia;" [3] but Henry Clay, and his impetuous young associates, were at the helm of State, and could not be restrained by words of caution.[4] And so war preparations continued, and daily it became more evident that Kentucky was soon to be given the long-coveted opportunity of invading Canada.

In his message of June 1, 1812, Mr. Madison made his surrender to the war party, suggesting more complete prep-

[1] Niles, II, pp. 342–344, prints extensive correspondence from Harrison, Hull, General William Clark, John Johnson and various other men of prominence in the Indian country, which gives great weight to the charge against the British.

[2] "Annals of Congress," Thursday, December 10, 1811; Niles, I, Supplementary to No. 17, I, p. 317.

[3] Schouler, II, p. 351.

[4] Sargent's "Clay," pp. 13–14.

arations for "opposing force to force in defence of . . . national rights," and including among the list of grievances against Great Britain, the Indian disturbances of the Northwest. The Federalist party always claimed that this message had been forced from the peace-loving Madison, by a committee of Congress, with Clay as its chairman, who had threatened to prevent his renomination should he refuse to recommend a declaration of war. To save his political head, they declared, he consented; and was rewarded by the nomination on May 18, his message following on June 1. The charge was made openly in Congress, and James Fiske, a Vermont member, is said to have declared that he was one of the committee; but Mr. Clay and his friends positively denied the story.[1] The truth seems to be, from certain documents quoted by Mr. Adams, in his life of Albert Gallatin, that Madison, while willing to sign a bill declaring war, was unwilling to take the responsibility of recommending it. He really wished to send Mr. Bayard to England, to make one more effort for a peaceful settlement; but Clay and a committee called upon him, and informed him that such a step would lose him the support of the war party in the coming caucus. "This," says Mr. Adams, "is all that can be now affirmed in regard to the celebrated charge, that Mr. Madison made war in order to obtain a re-election." [2]

Congress eagerly complied with the recommendation of the President, and, three days later, passed a declaration of

[1] Adams's "Gallatin," pp. 456 et seq., for examination of story. Also Schouler, II, p. 349, note.

[2] John J. Crittenden, in his commemoration address upon Henry Clay, declares that this committee merely assured the President that a majority of Congress stood ready "to vote the war if recommended by him." Text, Coleman's "Crittenden," I, pp. 39–57.

war.[1] The Senate held the measure twelve days in suspense, Mr. Pope, one of the Kentucky senators, exerting all his energy to defeat it; but it finally passed [2] and, on June 18, President Madison affixed his signature. War with Great Britain had come at last.

The news reached Kentucky toward the end of June, and the "Lexington Reporter," of July 1, thus describes its reception:

"News of a declaration of war arrived in this place on Friday last, when there was a firing of cannon and musketry commenced, and kept up until late in the evening. The same thing, we understand, took place at Frankfort. In this town, Winchester, Richmond, and Nicholasville, the houses were illuminated—and most decided evidence of approbation of the measure, was everywhere manifested.

"In the moment of joy, when the citizens saw their country, a second time declared independent—it is reported that at Nicholasville and Mount Sterling, Mr. Pope, our Senator, who opposed the war was burnt in effigy."

Celebrations and impassioned orations were the order of the day throughout the Commonwealth. The unjust actions of Great Britain and France were the themes of patriotic addresses,[3] and the common opinion was expressed by an enthusiastic meeting at Lexington, which

[1] Schurz's "Clay," I, p. 85. In the meantime Lord Brougham had presented to the House of Commons a resolution, calling for the unconditional repeal of the Orders in Council; but the fact was of course unknown in America. The ministry grudgingly consented to the motion, and, on June 23, four days after Madison's proclamation of war, the repeal of the orders was accomplished. Babcock's "American Nation Series," XIII, p. 75.

[2] Young's "Battle of the Thames," pp. 7–8, gives the vote by States; Ibid., p. 188, for vote of Kentucky.

[3] The "Lexington Reporter," of July 13, 1812, gives almost the whole issue to descriptions of pro-war celebrations in Kentucky.

sent the President a series of resolutions declaring, among other things, that, "those who have temporised, or opposed the declaration of war, are unworthy the confidence of freemen," and ". . . those who will not aid our government in this our second struggle for independence, are enemies of their country."

But enthusiasm soon received a most unexpected shock. A few weeks before the declaration of war, Governor Scott had issued a call[1] for fifteen hundred Kentucky volunteers, who were to join the army which General Hull was gathering at Detroit. They had started for the front, and had reached Georgetown, when news came that General Hull had "thrown out the white flag from his fort at Detroit, and surrendered all his forces, and the stronghold itself, to the allied Brock and Tecumseh; and this without having fired a gun, or consulted one of his subordinates." [2]

"This news," says M'Clung,[3] "was received with a burst of indignant fury, which no other event has ever excited in Kentucky." For months afterwards, the Kentucky papers were filled with fierce denunciations of Hull, to whose "imbecility, cowardice, or treachery" [4] the failure of their first expedition was attributed. Mr. Madison

[1] "Lexington Reporter," May 9, 1812, for full text of the call. The Governor, at the same time, organized ten regiments, amounting to 5,500 troops, as Kentucky's quota of the 100,000 militia called for by the United States. It is said that Madison proposed making Clay general of the forces in the field, but that Gallatin discouraged the idea, saying: "But what shall we do without Clay in Congress." Schurz's "Clay," I, p. 88.

[2] Schouler, II, p. 358. In 1814 Hull was tried at a court-martial at Albany, found guilty of cowardice, neglect of duty and unofficerlike conduct, and his name was stricken from the rolls of the army. Ibid.

[3] "Outline History of Kentucky," Collins, I, p. 298.

[4] "Lexington Reporter," September 26, 1812.

also received his meed of censure for keeping in office, and in positions of military authority, men totally unfitted for organizing or leading military campaigns. Samuel Brown expressed the feeling of his district when he wrote, "I look for nothing but defeat until our old, nominal generals are out of the way, and young, active, enterprising men placed at the head of well appointed armies. Eustis[1] must go out, and Madison is only fit for negotiation. If we must have war we must have energy in our President, and that we know Madison has not nor ever will have. . . ." [2]

The Kentucky people realized, of course, that they could do little towards effecting these changes; but their volunteers were on the way to the front, and it was an important question as to who should command them. Hull, they properly insisted, had forfeited the right, having "traitorously sold our army and Detroit to the British," [3] and they indicated General Harrison, as the man who would best satisfy the West.[4] President Madison hesitated, and the Kentucky leaders promptly acted for themselves. At a caucus, called by Governor Scott, and composed of ex-Governor Shelby, Henry Clay, ex-Governor Greenup, Thomas Todd, and other distinguished Kentuckians,[5] it was decided, "to give Harrison a brevet commission of Major General in the militia of Kentucky, and authorize him to take command of the detachment now

[1] Secretary of War, William Eustis, himself confirmed this verdict, about ten weeks later (December 3, 1812), by sending in his resignation, which took effect on the thirty-first of the same month.

[2] Brown-Preston MSS., "S. Brown to John Brown," Natchez, September 20, 1812.

[3] "Lexington Reporter," September 5, 1812.

[4] Schouler, II, p. 358; Marshall, II, p. 458.

[5] Butler, p. 345; Young's "Battle of the Thames," p. 16.

marching to Detroit." [1] This decision was extraordinary, in view of the fact that General Harrison was not a Kentuckian; but the Governor and his advisers knew the hold which he had upon the hearts of the Kentuckians, and their confidence in the appointment was shown by their decision to, "increase the detachment . . . to be sent to the relief of Hull, to three thousand." [2]

These arrangements were concluded at the end of Governor Scott's term of office, and one of the first public duties of his successor, Isaac Shelby, was to receive General Harrison's formal acceptance of the flattering appointment. He then informed President Madison of what had been done, declaring that the commission was provisional, and subject to the will of the nation's chief executive.

What Mr. Madison thought of this somewhat progressive attitude of the Pioneer Commonwealth, we do not know. He had already selected General Winchester of Tennessee, as commander of the Western army, and Winchester had taken command at Fort Wayne, on September 19, 1812.[3] But, whatever his own feelings may have been, he wisely decided to yield to the desire of the Kentuckians, upon whose support the strength of the army of the West must largely depend, and, having countermanded his first orders, he assigned the command to General Harrison.[4]

There could be no doubt of the popularity of this appointment. Hundreds of mounted volunteers from dif-

[1] Text of orders issued in accordance with this decision, printed in "Lexington Reporter," August 29, 1812.

[2] On August 29, 1812, Harrison wrote to Henry Clay, "No such material for forming an invincible army ever existed as the volunteers which have marched from Kentucky on the present occasion." Colton's "Private Correspondence of Henry Clay," p. 21.

[3] "Lexington Reporter," October 3, 1812.

[4] Colton's "Private Correspondence of Henry Clay," pp. 20, 22.

ferent parts of Kentucky hastened to join Harrison's army,[1] and the papers boasted that, if occasion should demand their services, "there would be scarcely a male inhabitant left in the State capable of bearing arms."

In the general plan of campaign,[2] which Dearborn, the senior Major General of the American armies, had presented to the War Department before the opening of hostilities, the first step had been to capture Fort Malden and Fort Amherstburg. This, it was felt, would open up an easy route to Montreal and Quebec, and facilitate the contemplated peaceful conquest of Canada, the acquisition of which, wrote Jefferson,[3] "will be a mere matter of marching." Hull's surrender had, however, vastly increased the task of the Western army, for General Harrison, before conquering upper Canada, must now recapture Detroit, and humble the tribes of the Northwest.

To the Secretary of War, (William Eustis of Massachusetts), this seemed an easy undertaking and so, perhaps, it might have proved, had Harrison been provided with trained troops, and an effective commissary department. As things stood, however, with the enemy in full possession of the lakes, with a wilderness of savage-infested swamps and marshes to be traversed, with an undisciplined army of recruits, to be maintained by a poorly organized commis-

[1] The detachment, from the quota of the Kentucky militia, had been raised to about 4,000 by Governor Shelby, and General Harrison had been further authorized to raise 500 mounted volunteers. These, with the detachment from Indiana, raised his available force to some 6,000 men. "Lexington Reporter," August 29, 1812. The administration, when appointing General Harrison, had promised him an army of 10,000 men; but not over 6,000 were actually in service at any one time. Butler, p. 352; Smith, p. 470.

[2] Babcock, p. 86, for details in brief.

[3] "Jefferson to Wm. Duane," Monticello, August 4, 1812. Text, Jefferson's Works, Memorial Ed., XIII, pp. 180–182.

sariat, disasters were to be expected, in spite of the ample ability of the leader, and the eager courage of his followers. Had the importance of gaining the command of Lake Erie been realized at the beginning, and had the money, which was thrown away upon this unfortunate expedition, been used to secure that command, prior to the opening of the land operations in the Northwest, our history would not have to record the horrors of the River Raisin.

On January 1, 1813, General Winchester's division, composed of the Kentucky volunteers of Lieutenant Colonels Lewis and Allen, with a small body of regulars, reached Fort Defiance; and, on January 10,[1] they established themselves at the Rapids of the Maumee,[2] to await the arrival of General Harrison. Their long and difficult march had greatly disheartened them. They had entered the service in August, and it was now almost the middle of January; during all which months, they had been marching, to no purpose, so far as they could see. They had burned a few Indian villages; waded through miles of swamp; [3] fought a losing battle against hunger, disease and privation; and now found themselves encamped in a frozen wilderness, with orders to await in patience the arrival of another band of their fellow Kentuckians, who were, even then, suffering the horrors, which they themselves had passed through. In one month, their term of enlistment would end, and they would again traverse the wilderness, and return to Kentucky, there to be pointed out as the soldiers who had never seen an enemy.

To this encampment, on January 14, came the news

[1] Collins, I, p. 300.

[2] The general rendezvous for all the troops of General Harrison's army. Butler, 353.

[3] Shaler, p. 160.

that two companies of Canadian militia, and two hundred Indians, were quartered at Frenchtown on the River Raisin, only thirty-eight miles away, and that the inhabitants had sent an appeal for help, fearing a massacre by the savage allies of the British.[1] The troops demanded permission to advance, and General Winchester gave his consent. Five hundred and fifty Kentucky volunteers under Colonel Lewis [2] were detailed for the expedition, and, a few hours later, Colonel John Allen followed, with one hundred and ten more. The two detachments spent the night of January 17 at Presque Isle, and, early next morning, marched upon Frenchtown. A large body of Indians soon disputed their advance, but were quickly routed. Frenchtown was attacked and taken, the assailants gallantly supporting "the double character of the American and the Kentuckian," as the commanding general declared in his report of the battle.[3]

This success would have done much to hearten the army, had Winchester possessed the wisdom to reap the full benefit of the victory. With a strong British garrison at Malden,[4] only eighteen miles distant, with a fast frozen lake forming an easy highway for them, and with General Harrison, and his wing of the army, too far away to serve as reinforcements, it was the height of folly to attempt to hold Frenchtown. And yet Winchester, upon receiving the report of its capture, took two hundred and fifty regulars, under the command of Colonel Wells, and hastened forward, leaving General Payne, with three

[1] Bartlett's "History of the United States," III, p. 64.

[2] Young's "Battle of the Thames," p. 17.

[3] Ibid., p. 18.

[4] About 2,000 British and Indians under Colonel Proctor were in camp at Malden. Babcock, p. 98.

hundred Kentucky volunteers,[1] to guard his camp at the Rapids, and await the arrival of General Harrison. In the evening of January 20, he entered Frenchtown, and found Colonel Lewis' victorious troops proudly established within the strong palisade.[2]

And now was shown Kentucky's wisdom in demanding Harrison, instead of Winchester, as commander-in-chief of the Western army. Instead of massing all his men within the picketing, the latter, out of a foolish regard for a tradition that regulars should enjoy the post of honor on the right, encamped Colonel Wells' regulars in an open space, to the right of the palisade.[3] He then established his own quarters in a farmhouse, almost a mile distant,[4] having "named," to Colonel Wells, "but not positively ordered, a breastwork for the protection of his camp." [5] The next day, all being quiet, Wells asked leave to return to the Rapids, and General Winchester, in strange disregard of the danger of his position, allowed him to depart.

A few hours later, a Frenchman came into camp, and informed General Winchester that a large force of British and Indians had left Malden, with the evident intention of recapturing the fort. "The news," says M'Afee,[6] "must have been discredited alike by the officers and men, for no preparations were made by the one, nor apprehensions exhibited by the other. The most fatal security prevailed—many of the troops even wandered about the town till

[1] Collins, I, p. 301.

[2] Bartlett, III, p. 65.

[3] Shaler, p. 161.

[4] Article in "Louisville Daily Herald and Commercial Gazette," September 17, 1833.

[5] Bartlett's "United States," III, p. 65.

[6] M'Afee's "History of the Late War in the Western Country," p. 212.

late in the night. Colonel Lewis and Major Madison, alone, seemed to be on the alert; they cautioned their men to be prepared at all times for an attack." General Winchester further neglected to post pickets upon the road by which the enemy would be most likely to come.

The night passed without alarm, but, at daybreak, January 22, while the reveille was beating, three guns were heard in rapid succession, followed by a heavy discharge of artillery, firing grape and small bullets.[1] Colonel Proctor had made his night march from Fort Malden, and was advancing to battle, at the head of two thousand British regulars, Indians and Canadians.[2]

In spite of the suddenness of the assault, Lewis' Kentucky volunteers, lodged within the palisade, repulsed the first attack made upon them, but the regulars, encamped in the open, were instantly thrown into a panic. Not having presence of mind to take refuge within the palisade, they fled, in wild confusion, down the path leading to the Rapids. The savages pursued them, slaughtering without mercy. Colonels Lewis and Allen gallantly left the comparative shelter of the palisade, and, with two companies of Kentucky volunteers,[3] endeavored to stay the panic, but without effect. Their heroism but added new victims for the slaughter. Colonel Allen, although severely wounded in the thigh, continued to cheer on his men, and when attacked by two Indian warriors at once, had succeeded in cutting down one of them, when a shot, from the rifle of a third, put an end to his heroic struggle.[4] Colonel Lewis was speedily overpowered and made prisoner, and General

[1] Young's, "Battle of the Thames," p. 20.

[2] Collins, I, p. 301.

[3] "Lexington Reporter," March 13, 1813.

[4] Young's "Battle of the Thames," p. 21.

Winchester, who had arrived from his distant quarters, was captured, while frantically appealing to his regulars to stand and give battle.

All who had ventured outside the shelter of the palisade were lost;[1] but the most of the Kentucky volunteers, having been held within those feeble defences, were still unconquered and defiant. Again and again Colonel Proctor tried to dislodge them. He posted a six-pounder some two hundred yards from the enclosure, knowing that the palisades would be a poor defence against artillery; but the Kentucky riflemen within shot the horse which was to convey the necessary ammunition, and the gun remained silent.

Upon learning that General Winchester had been captured, Colonel Proctor decided, "to procure the surrender of the party in the picketing," by means of their own general, and, accordingly, gave a pledge to Winchester that, "if the remainder of the Americans would immediately surrender, they should be protected from massacre; but otherwise he would set fire to the village, and would not be responsible for the conduct of the savages."[2] General Winchester thereupon sent an order to Major Madison, whom the casualties of the day had left in command, directing surrender. Major Madison's reply was that Winchester, being now a prisoner, had no longer the right to command the Kentucky volunteers, and that his men preferred to take their chances of death in battle, rather than submit themselves to be massacred in cold blood by the savages.[3] After some parley, Colonel Proctor agreed

[1] "Lexington Reporter," February 6, 1813. Official letters regarding engagement in the next number, February 13, 1813.

[2] Bartlett's "United States," III, p. 67; M'Afee, p. 215.

[3] M'Afee, pp. 215–216, gives what purport to be the words of Major Madison.

to see that the sick and wounded were removed to Fort Malden, and that the prisoners should be protected by a guard.[1]

This is the view presented by M'Afee, and other American historians who follow his account, but the British presentation of the case is quite different. The "General Orders," issued by the British commander-in-chief in Canada, declare that the Americans, "finding further resistance unavailing, . . . surrendered themselves at discretion." [2]

But, in any event, they surrendered themselves into the hands of a British officer, who should have protected them to the full extent of his power. This Colonel Proctor certainly failed to do, and, for that failure, he merits all the abuse which Americans writers, for almost a century, have heaped upon his memory. The prisoners who were unhurt were properly guarded, and suffered no molestation; but the wounded were carelessly, or maliciously, left in the camp at Frenchtown, with no protection save two American surgeons, one British officer, and a few interpreters.[3] The next morning, at dawn, two hundred savages, mad with the excesses of the previous night's celebration, and painted black and red in preparation for their contemplated "act of vengeance," [4] reëntered Frenchtown, and, with no hand to stay them, committed the barbarous massacre which for years made "The Raisin," a

[1] Conditions of surrender summarized, Young's "Battle of the Thames," p. 24; Collins, I, p. 302, and II, p. 254; Smith, p. 473.

[2] Bartlett's "United States," III, p. 67; Collins, I, p. 302; and Shaler, p. 162, present the view that Proctor intended to keep the promise but was careless in the matter of guarding the wounded.

[3] M'Afee, p. 216; Collins, I, p. 302.

[4] Young's "Battle of the Thames," p. 24; Smith, p. 473.

name of horror in the western country.[1] Not one of the wounded prisoners was spared. Some were tomahawked, some burned at the stake, while others, feebly attempting to crawl to the shelter of the neighboring forests, were caught up and hurled back into the burning houses.[2]

Christie, presenting the British view of this disgraceful occurrence, declares that the wounded prisoners were massacred, "in spite of the British,"[3] and the British faith in this view is shown by the fact that the official report of the commander-in-chief, General Brock, praises Proctor for, "his humane and unwearied exertions, which succeeded in rescuing the vanquished, from the revenge of the Indian warriors."[4]

Upon the very day that Winchester, with his little band of regulars, had reached the captured village of Frenchtown, Harrison, with the right wing of the Western army, had arrived at the Rapids of the Maumee, where General Payne had detailed to him the circumstances which had led to the capture of Frenchtown and Winchester's advance. Soon afterwards, Colonel Wells had arrived, with the information that all was now peaceful at the fort; but General Harrison was too experienced to be misled by such reports. With Malden close at hand, and with the two wings of his own small army separated by forty miles of snow-clad wilderness, he had at once seen that

[1] The "Lexington Reporter," February 27, 1813, gives an account of the massacre, sworn to by an eyewitness of the outrage. A more extended account of Winchester's defeat is given in the same paper of March 13, 1813. Additional details follow in succeeding numbers.

[2] Bartlett's "United States," III, p. 67.

[3] "The Military and Naval Operations in the Canadas during the late war with the United States," by Robt. Christie, Quebec, printed 1818, p. 100.

[4] Smith, p. 475. Upon the basis of this view of his conduct Colonel Proctor was promoted to the rank of brigadier-general.

an attack upon one camp or the other was imminent. Sending to Kentucky a call for immediate reinforcements, he had, accordingly, begun the construction of Fort Meigs, on the Maumee, when news came of Winchester's defeat, and the massacre of the "River Raisin."

With the entire left wing of his army gone, Harrison's condition was critical. Any day might witness, at Fort Meigs, scenes such as Frenchtown and the Raisin had just witnessed, while an added danger lay in the fact that a large portion of his volunteers, having completed the term of their enlistment, had declined to remain and face the dangers of an almost desperate position.[1] Had General Proctor availed himself of this moment of weakness, to follow up his success at Frenchtown by a sudden attack upon the unfinished defences of Fort Meigs, he might easily have freed the Northwest from the presence of American troops. But, for some unexplained reason, Harrison was allowed time to complete the fortifications,[2] before the long expected attack was made.

The gallant veteran, Governor Shelby, lost no time in dispatching reinforcements in response to Harrison's call. He enlisted four regiments (three thousand men), and placed them under the command of General Green Clay.

The advanced guard of these Kentucky volunteers reached Fort Meigs on April 12, only a few days before a British flotilla, carrying cannon, and abundantly supplied with provisions for a siege, appeared at the mouth of the river. The British batteries were deliberately placed above and below Fort Meigs, and the troops carefully posted, while Tecumseh, with a large force of savage

[1] Collins, I, p. 302.

[2] Ibid., I, p. 303, for description of the fort.

warriors, guarded all ways of approach, with the view of preventing communication with the rest of the Kentucky reinforcements, which were known to be on the way.

On May 4, this remaining detachment, under General Clay, reached Fort Defiance, and Lieutenant David Trimble accomplished the dangerous feat of entering the beleaguered fort to inform General Harrison of their presence.[1] The latter at once directed Clay to send eight hundred of his men to the north shore of the Maumee River, with orders to capture the enemies' batteries located at that point, spike the cannon, and then recross to Fort Meigs; [2] while Clay himself, with the rest of his men, was to fight his way into the fort, along the southern shore.

"General Clay," writes his son, Cassius M. Clay, [3] "instead of going directly to the fort, where he must necessarily have lost much of his force from Indian sharpshooters, . . . landed above, built . . . flat-boats, with high side-planks, which were bullet-proof, and thus drifting down the river, entered Fort Meigs with the loss of scarcely a man."

The movement upon the north shore, however, was disastrous. Colonel Dudley, to whom the leadership had been assigned, succeeded in capturing and spiking the cannon; but "elated by success [he] followed the Indians, and was cut to pieces with his whole force." [4]

At this point Proctor abandoned the siege, and retired to Fort Malden, having received news that General Dearborn had captured Fort George.[5]

[1] Smith, p. 477; M'Afee, p. 264; "Memoirs of Cassius M. Clay," I, p. 39.

[2] Young's "Battle of the Thames," p. 27.

[3] "Life and Memoirs of Cassius M. Clay," I, p. 42.

[4] Ibid. Details of Dudley's defeat, Collins, I, p. 304; Smith, pp. 477–478.

[5] M'Afee, pp. 275–277, prints a letter from General Harrison to Gov-

The next few months were spent by Harrison in preparing his army for a decisive movement upon Malden. Kentucky was again called upon for reinforcements, and when Congress adjourned, Colonel Richard M. Johnson, then a representative from Kentucky, raised a regiment of mounted volunteers and hastened to the front; while Governor Shelby, judging that the time had come for him to take the field in person,[1] issued a proclamation calling for volunteers to assemble at Newport on August 31, prepared for a campaign. "I will meet you there in person," he said, "I will lead you to the field of battle, and share with you the dangers and honors of the campaign." [2]

Upon the day appointed, four thousand Kentuckians met the Governor at the place of rendezvous, and, on September 12, 1813, they reached the camp at Upper Sandusky, eager to avenge the horrors and barbarities of the Raisin and Fort Meigs.[3]

ernor Shelby, dated Franklin, May 18, which gives graphic details of this engagement.

[1] Harrison had retired to Upper Sandusky, after Proctor's withdrawal, and had left Fort Meigs in charge of General Clay. On July 20, a second feeble attempt to capture the fort was made by General Proctor, but it was easily repulsed. Proctor then turned his forces, numbering 1,500 men, against Fort Stephenson, held by Col. George Croghan, of Kentucky, with only 150 Kentucky volunteers. So indefensible was the place that General Harrison had already ordered its abandonment; but the attack came too soon. Proctor made only one assault, which was so gallantly repulsed that he decided to give up the attempt and hastily returned to Malden. Collins, I, p. 305.

[2] Full text of the Proclamation of July 31, 1813, in M'Afee, pp. 336–337.

[3] Young's "Battle of the Thames," p. 33, for a eulogy of the character of this detachment of Kentucky's best citizens, representing forty-eight of the fifty-six counties in the State. It was September 15, 1813, when they reached the camp on the Portage River, where they remained until the embarkation for Put-in-Bay on the twenty-first. It was evident that, if Governor Shelby had not brought his men on horseback, in defiance of General Harrison's suggestion, they could scarcely have arrived in time for the prompt following up of Perry's victory of September 10, 1813.

It was at this point that the aspect of affairs in the Northwest, was suddenly altered by one of the most timely and heroic victories in our naval history. Captain Oliver H. Perry had been sent by the War Department to Lake Erie, early in the spring, with orders to build a fleet, with which to gain command of the lake, and transport General Harrison's army into Canada, there to finish at one stroke the war in the Northwest. While Harrison had been resisting the attacks of General Proctor, Perry had been transforming the growing timber into effective fighting craft. By August 4, it was ready, and, on September 10, it accomplished the first part of its mission, by signally defeating the British fleet under Captain Barclay,[1] and winning control of the lake. This result Perry announced to General Harrison in the famous dispatch which reads as follows:

"U. S. Brig Niagara of the Western Sister, head of Lake Erie, Sept. 10, 1813, 4 o'clock P. M.

"Dear General,

"We have met the enemy; and they are ours. Two ships, two brigs, one schooner and one sloop.

"Yours with great respect and esteem.

"O. H. Perry.

"Maj. Gen. Harrison." [2]

No time was lost in carrying out the remainder of the program. Harrison's army, augmented, as we have said, by Governor Shelby and his mounted Kentuckians, was

[1] M'Afee, pp. 355–361, for details of Perry's victory; Schouler, II, p. 384.

[2] "Lexington Reporter," September 13, 1813. A detachment of one hundred and fifty Kentucky volunteers served as mariners upon Perry's fleet, and twenty-five were placed as sharpshooters in the tops, where their expert marksmanship made them very effective. Ibid., September 25, 1813. Also Collins, I, p. 306.

ordered to advance. Leaving the horses on the American side of the lake, they boarded the vessels of Perry's fleet and the captured ships of the enemy, and joyfully crossed to the Canadian shore,[1] where General Harrison and Governor Shelby spoke these four words to them: "Remember the Raisin River." To which Harrison added, "but remember it only whilst victory is suspended. The revenge of a soldier cannot be gratified on a fallen enemy."[2]

The army of the West now advanced toward Fort Malden, only to find it a mass of smoking ruins. Proctor had burned his barracks and begun a hasty retreat. "To-morrow," wrote General Harrison, as he sat that evening in his rough camp, "I will pursue the enemy, . . . although there is no probability of overtaking him, as he has upward of one thousand horses and we have not one in the army."[3] On the morrow, however, one "small pony was obtained," on which "the venerable Shelby was mounted,"[4] and thus the invading army followed the retreating enemy toward Detroit.

At Sandwich,[5] where the enemy were expected to make a stand, the army of the West halted, but General Proctor continued his retreat, in spite of Tecumseh's constant plea for battle.[6] It was at this point that Colonel Johnson,

[1] The Pennsylvania regiment from Erie was seized with "constitutional scruples" about crossing into Canada, as M'Afee, p. 364, tells us. General Harrison's reply was: ". . . Thank God, I have Kentuckians enough to go without you." Ibid.

[2] M'Afee, p. 370; M'Afee, pp. 366–369, prints in full the general order, prescribing the order of debarkation, of march and of battle, signed William Henry Harrison.

[3] M'Afee, p. 373.

[4] Young's "Battle of the Thames," p. 47.

[5] A point nearly opposite Detroit.

[6] Collins, I, p. 308. M'Afee, pp. 372–373, prints what purports to be a

with his regiment of Kentucky mounted volunteers, who had been left at Fort Meigs, was to join the main army; and their approach was awaited with great anxiety, as the Indians were known to be preparing an ambuscade for them. At noon on September 30, however, they safely entered Detroit, and Governor Shelby, himself, crossed over to see them safely transported, and to communicate to Colonel Johnson the plan of campaign which the Council of War had agreed upon.

An ancient Kentucky tradition declares that General Harrison had expressed some doubts about the wisdom of pursuing the enemy into their own country, but that Governor Shelby had insisted upon this course, proclaiming, in language more vigorous than polite, that he would, "follow Proctor and his savages to Hell if necessary, to avenge the wrongs of Kentucky." The truthfulness of this story, so flattering to the governor and so uncomplimentary to the commander-in-chief, may fairly be doubted;[1] but the determination to pursue was a fact.

For three days the army of the West advanced rapidly eastward, skirting the southern shores of Lake St. Clair, and ascending the winding course of the River Thames, Perry's squadron following with the needed supplies. From time to time they gathered news of the enemy, sometimes from scouts, sometimes from British deserters who entered their camps.[2] At intervals they came upon

speech addressed by Tecumseh to General Proctor, urging a stand against the Americans.

[1] Young's "Battle of the Thames," p. 45, declares it "pure fiction." M'Afee, p. 381, declares "there never was a difference of opinion" about the question of pursuit.

[2] Young's "Battle of the Thames" follows the march in detail, pp. 55–61, drawing liberally from M'Afee, pp. 382–388, the best original account.

piles of military stores and provisions, abandoned by the enemy in their hurried retreat.[1] Finally, on October 3d, a small body of British dragoons was captured, and one of their horses, being carelessly allowed to escape, dashed back into the camp of the British only a few miles away, giving Proctor and Tecumseh their first intimation that the enemy was close at hand. The British were therefore prepared for battle when, two days later, the army of the West advanced to attack them in their strong position in a beech wood, on the north bank of the Thames.

Their left side was effectually protected by the river, whose banks, at this point, were about forty feet high;[2] while on their right lay a swamp, in whose recesses the mass of the Indian allies found a most congenial vantage ground from which to resist the American attack. In actual numbers the two armies were probably about equal, but upon General Harrison devolved the difficult task of storming a protected position, with an army composed largely of volunteers.[3]

In preparing for the defence, General Proctor made the

[1] Most of the Indian allies had already deserted Proctor, whom they had learned to hate, but "Tecumseh the Loyal," had remained with him, and had held his braves to their duty. Letter dated the Moravian Village, October 3, 1813; signed Peter Trisler, Jr., and addressed to his father. Durrett MSS. See also Collins, I, p. 307.

[2] Young's "Battle of the Thames," pp. 61–74, gives elaborate details of the placing of the two armies, the nature of the ground, etc., based in part upon M'Afee's, "History of the Late War in the Western Country," pp. 388–390.

[3] Colonel Paul's one hundred and twenty regulars were posted "between the road and the river," according to M'Afee, p. 390; but the rest of the troops mentioned in his account of the plan of the battle, pp. 389–390, are Kentucky troops. On p. 395, also, M'Afee says: "The whole of the regulars had been left behind, except the small fragment of a regiment under Colonel Paul." "The merit of furnishing the means by which this important victory was achieved," says the same author, pp. 398–399, "belongs almost exclusively to Kentucky."

mistake of placing his men in open line, leaving about three feet between them,[1] being ignorant of the fact that Colonel Johnson, and his brother, Lieutenant Colonel James Johnson, had carefully trained the Kentucky mounted volunteers to attack just this formation.

Discovering this arrangement Colonel Johnson instantly reported it to General Harrison, with the assertion that "with his cavalry regiment, he could break the British line in a single charge." [2] Harrison at once authorized the movement, and formed his line of battle with a view to following it up. Major General Henry's division, composed of three Kentucky brigades, faced the British regulars, who occupied the strip between the small swamp and the river. At right angles to these, and facing the large swamp, where the main body of Indians were established, Harrison placed Major General Desha's division, composed of two brigades of Kentucky volunteers.[3]

"The crotchet formed by the front line and Gen. Desha's division," says Harrison's official report, "was an important point. At that place the venerable governor of Kentucky was posted, who at the age of sixty-six preserves the vigor of youth, the ardent zeal which distinguished him in

[1] Collins, I. p. 308.

[2] General Harrison, as commanding general at the battle of the Thames, deserves the credit, later claimed by him, for ordering this cavalry charge. But Colonel Johnson claimed also his rightful credit when, in response to inquiries from General Armstrong (December 22, 1834), he said: "It is due to truth to state that I requested General Harrison to permit me to charge, and, knowing that I had trained my men for it, during our short service, he gave me the order." Armstrong's "Notices of the War of 1812," I, p. 234. See Young, p. 65.

[3] Young's "Battle of the Thames," p. 63. The Appendix of this excellent monograph gives lists of the troops in each of the regiments, with officers, etc. Also Collins, I, p. 308, for brief description of formation, etc.

the Revolutionary war, and the undaunted bravery which he manifested at King's mountain." [1]

These arrangements having been completed, Colonel Johnson ordered his mounted Kentuckians to advance, but soon became aware of the fact that the space in front of the British regulars was large enough to permit of the maneuvering of only one of his mounted battalions. Hastily inspecting the small swamp on his left, and finding that it could be passed in places by mounted troops, he ordered his brother, Lieutenant Colonel James Johnson, to charge the British regulars in his front with one battalion, while he himself led the other across the swamp, upon Tecumseh's Indians.[2] Then rose the harsh cry of Kentucky vengeance, "Remember the Raisin," as the lines dashed forward.

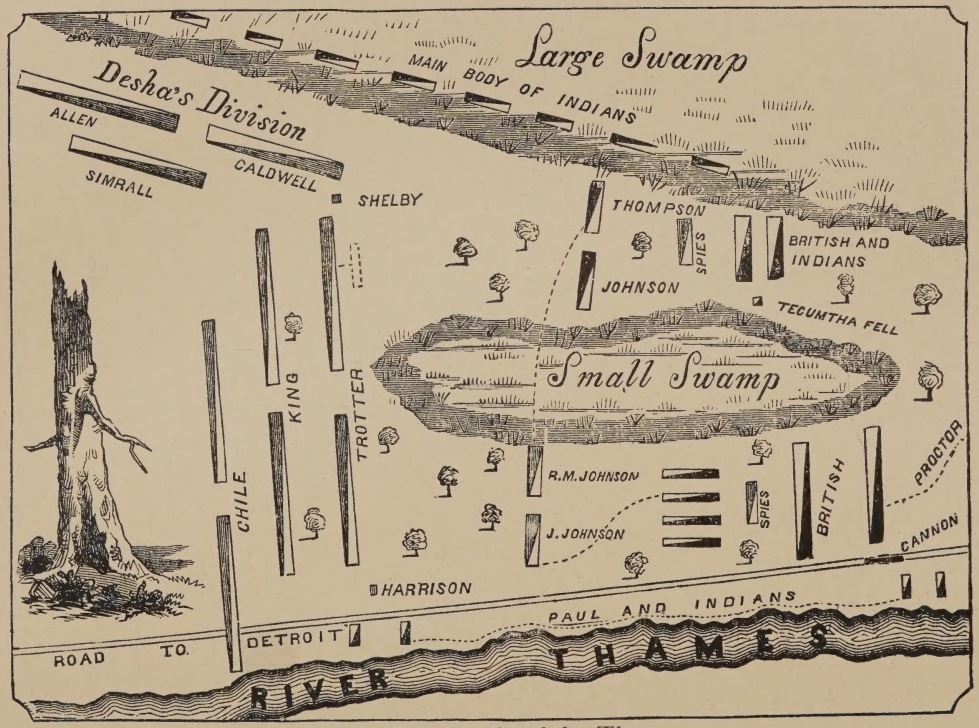
The charge against the British regulars, on the right, was immediately successful. The first line of redcoats wavered and gave way, and, when the second, a hundred yards in the rear, offered no serious resistance, the Kentucky horsemen passed through it, and, instantly dismounting, opened fire. The British regulars, thus caught between the advancing Kentucky infantry and the dismounted battalion of cavalry, lost all hope and surrendered at discretion.[3]

In the meantime, Colonel Johnson and the second battalion, who had now crossed the little swamp, were meeting a very different reception at the hands of Tecumseh and his braves. Conscious of the difficulty of his task, of dis-

[1] "Lexington Reporter," October 13, 1813, for full text of Harrison's report to Secretary Armstrong.

[2] M'Afee, p. 390.

[3] General Proctor succeeded in making his escape, accompanied by a few followers, for which timely departure he was afterwards severely reprimanded by his royal master. Schouler, II, p. 385.



Map of the Battle of the Thames

From Lossing's "Pictorial Fieldbook of the War of 1812"

lodging and capturing a savage army, Colonel Johnson had adopted the heroic device of leading forward a small band of twenty picked men, to draw the fire of the hidden enemy, and thus render safe the advance of his main body of troops.

As this "Forlorn Hope" moved steadily forward, they were conscious that the guns of fifteen hundred savages were covering them with a sure aim, but the fighting blood of the Kentucky pioneers burned in their veins, and they neither wavered nor shrank from the sacrifice. Then came the clear voice of savage command from the edge of the great marsh—"Fire!"

When the smoke of the terrific cannonade had cleared, fifteen of the twenty heroes of the "Forlorn Hope" lay in their death throes. Their leader, by some miracle of grace, still sat erect, although pierced by a dozen wounds;[1] while, in the rear, the remainder of the battalion was pressing forward, eager to make the most of the advantage given them by the heroism of their slaughtered comrades.

At the edge of the great swamp the horses became useless, and Colonel Johnson ordered his men to dismount,[2] and charge the savages. Behind them the Kentucky infantry advanced to their aid, but Tecumseh held his braves to their work, and, for a quarter of an hour, the result remained in doubt. Then the gallant Tecumseh, the soul of the savage hosts, fell, pierced by a ball from the pistol of Colonel Johnson himself, as tradition declares.[3] At the

[1] The "Forlorn Hope" was led by William Whitley, a private of Lincoln County, Kentucky, but Colonel Johnson himself rode with it. The names of other members are given by Young, p. 81. See also Ibid., p. 144.

[2] Col. Johnson, however, remained mounted upon his white mare, which picked her way with difficulty through the mud and underbrush of the great swamp.

[3] Schouler, II, p. 385; Young, pp. 87–88, gives details of a personal combat

news of the death of their chief, whom they had been taught to regard as immortal, the savages gave way, and escaped as best they could from the scene of disaster.

The victory of the Thames was decisive, so far as the war in the Northwest was concerned. The British-Indian alliance was broken: Detroit, Michigan, and all that Hull had so ignominiously surrendered was regained; and a large part of upper Canada passed under American control, while, "among American generals in this war, Harrison enjoyed the rare felicity of having fully accomplished his undertaking." This he had done with an army composed almost entirely of Kentucky volunteers.[1]

General Harrison, in his official report of the battle,[2] thus expresses his appreciation of the heroism of his Kentucky army.

". . . In communicating to the President through you sir! (Secretary of War) my opinion of the conduct of the officers who served under my command, I am at a loss how to mention that of Governor Shelby, being convinced that no eulogium of mine can reach his merits. The governor of an independent State, greatly my superior in years, in experience and in military character, he placed himself under my command, and was not more remarkable for his zeal and activity than for the promptitude and cheerfulness with which he obeyed my orders. Major

between Johnson and an Indian leader, whom he seems inclined to identify with Tecumseh. Lossing's "Pictorial Field Book of the War of 1812," p. 555. Johnson's monument in the cemetery at Frankfort contains a relief representing the general in the act of firing the fatal shot. A picture of the monument will be found on p. 496 of this same volume. M'Afee, p. 394, also tends to favor the story.

[1] Schouler, II, pp. 385–386; M'Afee, pp. 398–399.

[2] "Lexington Reporter," October 30, 1813. M'Afee, p. 397, prints a part of this report.

Generals Henry and Desha and the Brigadiers Allen, Caldwell, King, Childs, and Trotter, all of the Kentucky volunteers, manifested heroic zeal and activity. Of Governor Shelby's staff, his adjutant General Col. M'Dowell, and his quarter master General, Col. Walker, rendered great service, as did his aids de camp, General Adair, and Majors Barry, and Crittenden. The military skill of the former was of great service to us, and the activity of the two latter gentlemen could not be surpassed. . . ."

This was the last campaign in which General Harrison engaged during the war. His services and those of Kentucky's venerable chief magistrate, Isaac Shelby, were fully appreciated by Congress which, in a resolution of April 6, 1818,[1] declares that thanks, "are hereby presented to Major General W. Henry Harrison and Isaac Shelby, late Governor of Kentucky, and through them to the officers and men under their command, for their gallantry and good conduct in defeating the combined British and Indian forces under Major General Proctor, on the Thames in upper Canada, on the 5th day of October 1813, capturing the British army with their baggage, camp equipage and artillery; and that the President of the United States be requested to cause two gold medals to be struck, emblematical of this triumph, and presented to General Harrison and Isaac Shelby, late Governor of Kentucky."[2]

With the remaining campaigns which took place before

[1] It passed the House on March 30, 1818. See "Annals of Congress."

[2] Shelby's "Autobiography." An attempt to secure the passage of this resolution had been made at an earlier date, but, owing to the activity of certain enemies in Congress, Harrison's name had been stricken out, and Shelby had promptly instructed his friends to refuse, in his name, any honorable recognition of his services at the battle of the Thames in which Harrison did not share. Young's "Battle of the Thames," p. 122.

the negotiation of the Treaty of Ghent (concluded December 24, 1814) we are not particularly concerned, as Kentucky did not play a controlling part in any one of them; but an ancient controversy as to the conduct of the Kentucky militia in the final battle of the war, the defence of New Orleans, renders it necessary to examine some of the events in that memorable victory. This is the only battle on record in which the gallantry of Kentucky troops has been officially questioned; and, in this instance, it was more than questioned in the official reports of two of the officers in command.

Commodore Patterson, in a report to the Secretary of the Navy,[1] makes the charge thus: ". . . General Morgan's right wing, composed . . . of the Kentucky militia, commanded by Major Davis, abandoned their breastworks, flying in a most shameful and dastardly manner, almost without a shot."

General Andrew Jackson, the commanding general of the engagement, is even more severe. He declares that:[2]

"Simultaneously with the advance upon my lines, he (General Pakenham) had thrown over in his boats a considerable force to the other side (west side), of the river. These having landed were hardy enough to advance against the works of General Morgan; and, what is strange and difficult to account for, at the very moment when their entire discomforture was looked for with a confidence approaching to certainty, the Kentucky reënforcements in whom so much reliance had been placed, INGLORI-

[1] Dated Marine Battery, five miles below New Orleans, January 13, 1815. Durrett MSS., A.

[2] From Jackson's official report. Text, "Historical Memoirs of the War in West Florida and Louisiana in 1814–15," by Major A. Lacarrière Latour, App. xxix.

OUSLY FLED, drawing after them, by their example, the remainder of the forces; and thus yielding to the enemy that most formidable position."

If these accusations prove true, Kentucky's part in the battle of the west bank must appear as inglorious as that in the contest on the right bank had been gallant. If they prove false, we shall remove from history the only stigma that has ever rested upon her reputation for courage.

When the Federal authorities became aware that the British were planning to send a great expedition to the mouth of the Mississippi, the Secretary of War issued requisitions to the States for ninety-three thousand five hundred additional troops. Kentucky's quota was five thousand five hundred infantry, of whom only two thousand two hundred were destined for a part in the defence of New Orleans.[1] These were promptly enlisted and, under the command of Major General John Thomas, with Brigadier General John Adair as second in command,[2] reached New Orleans on January 4, 1815, where they found the two armies already confronting one another, and preparing for a decisive engagement.

The British army, under the command of Lord Edward Pakenham (who had been one of Wellington's favorites in the Peninsular campaign), was officered almost exclusively by men who had learned the art of war under "The Iron Duke" himself, and consisted of ten thousand veterans.[3]

[1] Smith's "Battle of New Orleans," "Filson Club Publications," No. XIX, p. 27. Collins, I, p. 28, gives the number as 2,500, which was probably the number which Governor Shelby had intended to send to New Orleans. M'Afee, p. 502, ibid.

[2] M'Afee, p. 502; Collins, II, p. 33. Governor Shelby had appointed John Adair Adjutant General of the Kentucky troops, with the brevet rank of Brigadier, in recognition of his gallantry at the battle of the Thames.

[3] Major Latour, Jackson's chief engineer, compiled, from British official

In spite of the overwhelming strength of this army of invasion, the Kentucky troops found General Jackson confident of his ability to defend the city. In two indecisive engagements [1] he had already taught the conquerors of the great Napoleon to respect the militia of the New Republic, and had sworn, with his customary oath, "By the Eternal," to drive them from the land. His military prudence had, however, led him to send swift messengers northward, to urge the detachments of Kentucky and Tennessee militia to make all possible haste to reach New Orleans.

It is not likely that this urgent message was in any way responsible for the fact that the Kentucky troops entered the city of New Orleans, on January 4, 1815, as an army without arms or proper equipment. General Jackson himself, in a letter to the War Department, has recorded the fact that, "Hardly one third of the Kentucky troops, so long expected, are armed; and the arms they have are barely fit for use."[2] The responsibility for this, as for so many similar misfortunes during this war, must rest with the War Department. Arms had been collected at Pittsburg, and were to be sent down the Mississippi to New Orleans, together with certain military stores, which were almost as essential to General Jackson's army as arms themselves: but the quartermaster, appointed to superintend the shipment, had, for some unaccountable reason, chosen to send them by flatboat, instead of by steamer, as the result of which they did not reach New Orleans

sources, a detailed statement of these troops. With the royal marines and sailors from the fleet, about 4,450 in number, he places the force at 14,450.

[1] Smith's "Battle of New Orleans," pp. 40–52, gives details of the first, and, on pp. 56–64, of the second of these engagements.

[2] Latour, p. 142.

for many days after the battle,[1] and, in consequence, the Kentucky troops went into camp without tents, or proper bedding, most of them without arms, and many without the necessary clothing and cooking utensils. Their sufferings were somewhat alleviated by a relief fund of six thousand dollars, generously voted by the Louisiana Legislature,[2] and later supplemented by a gift of ten thousand dollars, raised by public subscription; while the women of New Orleans showed their humanity by making and distributing such garments as could be quickly prepared for use. By these relief measures, the physical needs of the Kentucky troops were met after a fashion; but the question of arming them was not so easy of solution.

On the seventh of January, the day before the decisive battle, only six hundred of the Kentucky troops had been furnished with arms;[3] and General Adair decided to make an appeal to the Mayor and Committee of Safety of the city of New Orleans. He knew that the city armory contained several hundred stand of arms, kept constantly on hand for use in case of sudden insurrection; but he did not know that General Jackson was counting upon these very arms for the equipment of a reserve, which could be sent to any point most threatened, when the battle should begin.[4] The

[1] The same want of efficiency marked the transportation of the troops themselves. When the Kentucky troops were called for, Governor Shelby was assured that the United States quartermaster would furnish suitable transportation for them. When, however, the detachment reached the place of embarkation, on the banks of the Ohio River, they found no boats; and Colonel Richard Taylor, quartermaster of the Kentucky militia, was compelled to borrow money and purchase such boats as could be secured, at the last moment. The accommodations were quite inadequate, and much of the necessary camp equipment had to be left behind.

[2] Smith's "Battle of New Orleans," p. 67.

[3] Ibid., p. 73.

[4] The Jackson-Adair correspondence (Durrett MSS., A) clearly shows this.

Mayor and Committee of Safety agreed to allow General Adair to take the arms, upon condition that their removal should be accomplished secretly, as they feared to let the populace know that they were gone, and accordingly, when night came, the arms were secretly hauled to the Kentucky camp and distributed.[1]

Thus on the morning of January 8, the day of the great battle, about one thousand of the twenty-two hundred Kentucky troops marched to their places with effective weapons in their hands.[2] There still remained twelve hundred without arms, or armed only with the ancient fowling pieces which they had brought from their homes.

In the preliminary discussion as to placing the American troops, General Adair had suggested [3] that it would be wise to reserve several detachments which should be ready, at a moment's notice, to reënforce the points most threatened by the veteran columns of the enemy.[4] Jackson had approved the suggestion, and ordered Adair to place his one thousand armed Kentuckians, just in the rear of General Carroll's Tennesseeans, who were to occupy eight

Jackson, in one of these letters, complains that Adair should have known of his plan to arm 500 Kentuckians with the store of arms in the city arsenal. Adair admits that this plan had been made known to General Thomas, chief commander of the Kentucky troops, but explains that General Thomas was ill in his tent, while he himself was in the city, and had not heard of the plan until too late.

[1] Smith's "Battle of New Orleans," p. 74.

[2] "With this timely supply of arms we were enabled to bring on the lines on the morning of the eighth fully 1,000 men. This corps was stationed . . . some distance in the rear of the breastwork, with the sole view that they might be led to the defence of any part of the works where their services might be most useful and necessary." Adair to Jackson, March 20, 1815. Durrett MSS.

[3] General Thomas being ill, General Adair commanded the Kentuckians. Collins, I, p. 314; M'Afee, p. 516.

[4] Smith's "Battle of New Orleans," p. 74.

hundred yards in the center of the breastworks on the eastern side of the river.[1]

Against this point, the massive columns of the British army advanced at an early hour. General Adair formed his Kentuckians into two lines, and brought them forward to the support of the Tennesseeans. The combined force of Kentucky and Tennessee riflemen were then arranged in open order, line behind line, in order that the first line having fired might give place to the second, which in turn would yield to the third, and so on, until the entire body had delivered its fire, the rear ranks meanwhile recharging their pieces.[2]

The columns of the British were at first hidden by a dense fog; but, at the first discharge of artillery, this slowly lifted, disclosing a force which left no doubt of the fact that the enemy had selected this point for the main assault.[3] The field over which they advanced was "as level as the surface of the calmest lake," and their lines were steady and resolute, even under the fire from the American artillery, which was sending its shots ploughing through them from front to rear.

The Kentucky and Tennessee riflemen, behind the high fortifications,[4] meanwhile stood quiet, waiting for the enemy to come within one hundred and fifty yards. To

[1] M'Afee, p. 516.

[2] Smith's "Kentucky," p. 498. Shaler, p. 170, conceives that the plan was for the rear ranks to pass the loaded muskets forward to those on the front line of battle; but such a plan would scarcely have appealed to the men behind these guns.

[3] McAfee, p. 518.

[4] The parapet was about five feet high, and from ten to twenty feet thick at its base, extending from the river banks 1,000 yards eastward. Beyond that, a breastwork was formed of a double row of logs, laid one over the other, the space between being filled with earth. Smith's "Battle of New Orleans," p. 70.

that point they quickly advanced, some even reaching the edge of the ditch, carrying ladders with which to scale the parapet; but they came no farther. The musketry and rifles, manned by pioneers of deadly aim, suddenly opened fire all along the fortifications. The ranks wavered for a moment, broke into disorder and retreated, the commander-in-chief, the second in command, and a host of inferior officers having been sacrificed.

General Lambert, who now succeeded to the command of the British forces,[1] rallied his men for a second attack, but their spirit was gone, and a disastrous repulse was the result.

Thus was the main body of Lord Pakenham's invading army of ten thousand veterans decisively defeated, by a force not exceeding forty-six hundred men,[2] of whom almost one-fourth were Kentuckians.

The effect produced upon the British army by the daring coolness of a single Kentucky rifleman is thus graphically described by one of the British officers, who took part in this historic engagement:

"We marched in solid column in a direct line, upon the American defences. I belonged to the staff; and as we advanced, we watched through our glasses, the position of the enemy, with that intensity an officer only feels when marching into the jaws of death. It was a strange sight, that breastwork, with the crowds of beings behind, their heads only visible above the line of defence. We could distinctly see their long rifles lying on the works, and the

[1] Collins, I, pp. 314–315.

[2] Smith's "Battle of New Orleans," p. 75. Collins, I, p. 316, gives Jackson 4,698 men, of whom a considerable part were not engaged, while to the British he gives 6,893 actually engaged in the attack.

batteries in our front, with their great mouths gaping towards us.

"We could also see the position of General Jackson, with his staff around him. But what attracted our attention most, was the figure of a tall man standing on the breastworks, dressed in linsey-woolsey, with buckskin leggins, and a broad-brimmed felt hat that fell round the face, almost concealing the features. He was standing in one of those picturesque graceful attitudes peculiar to those natural men dwelling in forests. The body rested on the left leg, and swayed with a curved line upward. The right arm was extended, the hand grasping the rifle near the muzzle, the butt of which rested near the toe of his right foot. With the left hand he raised the rim of the hat from his eyes, and seemed gazing intently on our advancing column. The cannon of the enemy had opened on us, and tore through our works with dreadful slaughter; but we continued to advance, unwavering and cool, as if nothing threatened our progress.

"The roar of cannon had no effect upon the figure before us; he seemed fixed and motionless as a statue. At last he moved, threw back his hat-rim over the crown with his left hand, raised the rifle to the shoulder, and took aim at our group.

"Our eyes were riveted upon him; at whom had he leveled his piece? But the distance was so great, that we looked at each other and smiled. We saw the rifle flash, and very rightly conjectured that his aim was in the direction of our party. My right hand companion, as noble a fellow as ever rode at the head of a regiment, fell from his saddle.

"The hunter paused a few moments, without moving

his gun from his shoulders. Then he reloaded and assumed his former attitude. Throwing the hat-rim over his eyes, and again holding it up with the left hand, he fixed his piercing gaze upon us, as if hunting out another victim. Once more the hat-rim was thrown back, and the gun raised to his shoulder. This time we did not smile, but cast glances at each other, to see which of us must die.

"When again the rifle flashed, another one of our party dropped to the earth. There was something most awful in this marching on to certain death. The cannon and thousands of musket balls playing upon our ranks, we cared not for; for there was a chance of escaping them. Most of us had walked as coolly upon batteries more destructive, without quailing; but to know that every time that rifle was leveled toward us, and its bullet sprang from the barrel, one of us must surely fall; to see it rest, motionless as if poised on a rack, and know, when the hammer came down, that the messenger of death drove unerringly to its goal, to know this, and still march on, was awful. I could see nothing but the tall figure standing on the breastworks; he seemed to grow, phantom-like, higher and higher, assuming, through the smoke, the supernatural appearance of some great spirit of death. Again did he reload and discharge, and reload and discharge his rifle, with the same unfailing aim, and the same unfailing result; and it was with indescribable pleasure that I beheld, as we neared the American lines, the sulphurous cloud gathering around us, and shutting that spectral hunter from our gaze. We lost the battle; and to my mind, the Kentucky rifleman contributed more to our defeat, than anything else; for while he remained in our sight, our attention was drawn from our duties; and when, at last, he became in-

shrouded in the smoke, the work was complete; we were in utter confusion, and unable, in the extremity, to restore order sufficient to make any successful attack.—The battle was lost."[1]

So much for the conduct of General Adair's one thousand armed Kentuckians in the great battle on the east bank. We must now consider the one hundred and seventy Kentuckians who shared, or—as General Jackson and Commodore Patterson expressed it—who caused the defeat of the Americans on the west bank, during that same eventful day.

In preparing his defences, General Jackson had carefully provided against the possibility of an attack by way of the west bank of the Mississippi. Major Latour, the chief engineer, had been sent over to select a line for defensive works on that side of the river. He had indicated a position in which, as he afterwards declared, "one thousand men could have guarded a breastwork line, and half that number would have been sufficient, had pieces of cannon been mounted in the intended outworks."[2]

But General Morgan, whom Jackson had placed in command of the defences on the west bank,[3] after a conference with Commodore Patterson, decided to disregard Major Latour's expert advice. Instead of the position which the chief engineer had selected, he chose a line [4] lower down the stream, where he would be under the protection of the

[1] This manuscript is marked, "Kentucky Rifleman in battle of New Orleans," Durrett Collection. The hero here described was E. M. Brank of Greenville, Kentucky.

[2] Latour's "Historical Memoir of the War in West Florida and Louisiana in 1814–15," pp. 167–168.

[3] General Morgan commanded the Louisiana militia. Latour, p. 166.

[4] The Court of Inquiry later gave the choice of this line as one of the causes of the defeat on the west bank.

twelve pieces of cannon of Commodore Patterson's battery, on the right bank. This line, having been duly approved by the commander-in-chief, was provided with a breastwork mounting three pieces of artillery, and behind it General Morgan, on January 7, massed his Louisiana troops,—some five hundred in number. Their position was critical. On their right stretched an open plain about a mile in width, undefended by fortifications of any kind, where the advancing enemy might operate at will, subject only to the fire of Commodore Patterson's guns from the right bank,[1] and of the few defences of the breastwork by the river.

The weakness at this point did not escape the keen eyes of General Jackson, who designed to employ the unarmed Kentuckians for the defence of this open plain. There were in camp twelve hundred of these, and, for arming such of them as he planned sending to the west bank, General Jackson counted upon the arms, which the Mayor and Committee of Safety always kept stored in the city armory.

These arms, General Adair had already borrowed, and was waiting for nightfall to distribute them to his Kentuckians; but General Jackson, not having been informed of this fact (as the arms were regarded as a private store), issued orders for five hundred of the Kentuckians to march into New Orleans and secure them. It was late in the afternoon of January 7, when they started upon this long tramp of ten miles, through mud and water; and, when they reached the city armory, they were informed that General Adair had already removed the arms.

With great difficulty, about one hundred and seventy

[1] Smith's "Battle of New Orleans," pp. 95, 97.

ancient guns of various patterns were secured; and, provided with these, one hundred and seventy of this unfortunate detachment of Kentucky volunteers, under the command of Colonel Davis, crossed the river, and marched through the darkness of night to the camp of General Morgan.

They arrived shortly before daylight of January 8th,[1] to find the camp already in commotion. News had come that a body of British troops had landed on the west bank, and that Major Arnaud who had been sent down the river to check their advance, was retiring before them.[2] The weary Kentuckians were at once ordered to march to his assistance.[3] For twenty-four hours not one of them had slept; they had marched, without food, almost continuously since the afternoon of the previous day; they were armed with an assortment of guns with whose efficiency they were not acquainted, but which, to say the least, did not give them great confidence. Some were old flintlock muskets, which were by no means certain to fire, when wielded by men unaccustomed to their use.[4] Some were guns whose bore was too small for the cartridges which had been provided; some were old muskets or, fowling pieces; while more than one man was in effect unarmed, the lock of his gun being out of commission. However,

[1] Latour's "Historic Memoir," p. 170.

[2] Major Arnaud's detachment consisted of 150 Louisiana militia. Smith's "Battle of New Orleans," p. 99.

[3] "General Morgan despatched the Kentuckians, immediately on their arrival, about 4 A. M., to reinforce a party which had been sent out early on the night of the 7th, to watch and oppose the landing of the enemy." Commodore Patterson's Report; Copy, Durrett MSS.

[4] This description of the arms I have gathered, in part, from the conversations of elderly Kentuckians, whose fathers or near relatives were members of Colonel Davis's detachment. For the most part, however, I have depended upon the account in Smith's "Battle of New Orleans," p. 99.

at the word of command, they advanced to the support of Major Arnaud and his one hundred and fifty Louisiana militia, who were facing what proved to be a British detachment of one thousand men, under Colonel Thornton.

About a mile below General Morgan's line, the advancing Kentuckians and the retreating Louisianians came together. A stand against so overwhelming a force of British was of course out of the question; and the Louisiana militia, observing the size of their reënforcement, retired to the shelter of a neighboring wood, and took no further part in the engagements of the day.

The Kentuckians, after trying the effect of several volleys, were glad to retreat, at the command of General Morgan's aid-de-camp, who had just joined them.[1] This retreat was made in good order, and in obedience to a command, which it would have been military insubordination to disregard, even had they so desired.

Upon reaching the main line of General Morgan's defences, the Kentuckians were assigned a position far to the right of the fortifications, upon the open plain. Between them and Morgan's right, there stretched a space of two hundred yards, while the line, which they were called upon to defend, was about three hundred yards in length.[2] Beyond them, on their right, lay a wide plain, wholly undefended except by a body of eighteen pickets, under Colonel Caldwell.[3] Their position might, therefore, be easily turned, either on the right or on the left, and was extremely precarious, in view of the strength of the British detachment now advancing upon them.

[1] M'Afee, p. 519.

[2] General Orders of Court of Inquiry, held at New Orleans, on February 19, 1815. Full text Smith's "Battle of New Orleans," pp. 110–111.

[3] M'Afee, p. 519.

Colonel Thornton, who commanded that force, instantly saw his opportunity, and promptly availed himself of it. A part of his force was turned against the intrenchments near the river, behind which lay General Morgan and his five hundred Louisiana militia, with three cannon to protect them; but this, as Gleig,[1] the English historian, seems to imply, was only designed to distract General Morgan's attention from the main attack, which was directed against the isolated Kentuckians.[2] To turn their unprotected wings, and attack them from the rear, was his purpose, and it was easily accomplished. Flanked at both extremities by four times their own number, and unsupported, the Kentucky militia, after firing several volleys, "gave way;" writes Latour, "nor was it possible . . . to rally them. . . . Confidence had vanished, and with it all spirit of resistance. . . ." [3]

When we picture to ourselves the position of these one hundred and seventy Kentuckians, with their ancient arms, we wonder, not that "confidence had vanished," but that it had ever existed. "What could be expected from men thus dispirited, ill armed, and exhausted with inanition and fatigue?" asks the same author,[4] and himself re-

[1] "Campaigns of the British Army at Washington and New Orleans." By Rev. George Robert Gleig, pp. 336–339.

[2] Latour, however, seems to consider the attack on the intrenchments near the river as a serious one, after the failure of which, the attack on the isolated Kentuckians was made. He says that the artillery and musketry of General Morgan's Louisiana troops "having obliged him to fall back, he next directed his attack against [the detached Kentuckians on] our right, one column moving toward the wood and the other toward the center of the line. . . . Now . . . was felt the effect of the bad position that we occupied." Latour's "Historical Memoir," p. 172.

[3] Latour's "Historical Memoir," p. 172.

[4] Ibid., p. 170. I am quite conscious that Latour writes as, in a sense, a partisan in this case. The line of defence, which he had selected and urged, had

plies,[1] "I believe . . . that veteran troops of the line, in less perilous situations, have not unfrequently been seized with panic, and given way; nor do I think that any military man of much experience will be surprised that militia troops, ill armed, drawn like Indians, on an immense front, seeing themselves turned and cut off by troops of the line, quitted their post and retired in disorder. . . ." [2]

This "disgraceful example," says Commodore Patterson,[3] "was soon followed by the whole of General Morgan's command, notwithstanding every exertion was made by him, his staff and several officers of the city militia, to keep them to their posts. . . . The flight of the Kentuckians paralyzed their exertions and produced a retreat which could not be checked. . . ."

When we recall the fact that General Morgan and Commodore Patterson had chosen to fortify a position which the Chief Engineer of Jackson's army, had condemned, we must feel that it is unsafe to rely too implicitly upon their version of the cause of the defeat on the west bank. But when their reports, laying the responsibility upon the one hundred and seventy Kentucky militia, reached Jackson, he was in no position to discount them, and, upon the basis of the information which they contained, prepared, the next day, January 9, 1815, his official

been abandoned, in favor of the one now under discussion. His natural impulse would be, therefore, to see and describe it in the worst possible light. But, in this instance, the facts seem to fully justify his opinion.

[1] "Historical Memoir," pp. 174–175.

[2] Gleig, p. 339, says that Thornton's attack was greatly aided by the false report that "all had gone well on the opposite bank."

[3] Report of Secretary of the Navy, dated Marine Battery, five miles below New Orleans, January 13, 1815. Durrett MSS.

report[1] to the Secretary of War, a report which all loyal Kentuckians familiar with the facts promptly challenged, as unfair and untrue.[2]

General Adair, as commander of the Kentucky militia, demanded a court of inquiry, which was convened at once, and a note was sent to General Morgan,[3] requesting him to introduce such witnesses as he chose, at a hearing to be held on the following day. It is only fair to suppose that all available facts were presented in support of a charge, which had found its way into General Jackson's official report, through the medium of Commodore Patterson and General Morgan.[4] But the verdict of the court[5] is a clear acquittal of the Kentucky troops. Their conduct

[1] Durrett MSS. Shaler, "Kentucky," p. 171, attributes Jackson's unreasonable severity against the Kentucky troops to a permanent jealousy between Kentuckians and Tennesseeans, Jackson being, "by affiliation," a Tennesseean. This, however, seems an insufficient explanation.

[2] Commodore Patterson's report to the Secretary of the Navy, dated January 13, 1815, was, if possible, even more severe upon the unfortunate Kentucky detachment. He magnifies their number to "about four hundred militia from Kentucky, very badly armed or equipped, the general not having arms to furnish them. . . ." Copy of Text, Durrett MSS. But it was the fierce censure of the commander-in-chief which most exasperated the people of Kentucky.

[3] Dated New Orleans, February 9, 1815, and signed by Major General Wm. Carroll, President of the Court. Full text, Smith's "Battle of New Orleans," p. 109.

[4] Major Latour, before publishing his "Historical Memoirs of the War of 1812–15," wrote to General Morgan a letter (now the property of Judge Wm. H. Seymour of New Orleans, printed in full in Smith's "Battle of New Orleans," p. 119), declaring, ". . . I am of opinion that you are to bear the blame of our disgrace on that part of our defence." He then lays his account of the battle before General Morgan, with the request for evidence proving the inaccuracy of the views presented. If any reply was made, it is lost, and Major Latour's book appeared without corrections in General Morgan's favor.

[5] Dated New Orleans, La., February 19, 1815. Full text, Durrett MSS. See also "Spirit of '76," April 12, 1827, and following numbers, for a series of articles dealing with the whole question of the conduct of the Kentucky troops, and Jackson's censure of them.

is declared "not reprehensible," the real cause of the disaster being ascribed to "the shameful flight of the command of Major Arnaud, sent to oppose the landing of the enemy;" and to "the manner in which the force was placed on the line" of defence.

General Jackson approved this verdict, thus admitting the injustice of his obnoxious report; but General Adair felt that justice demanded a revision of the official report itself,[1] as the words of the victor of New Orleans would have much greater publicity than the report of a court of inquiry. Andrew Jackson, however, was not a man to submit to dictation, even as to the method of rectifying an admitted error. He still cherished the belief, which indeed was well founded, that, by removing the arms from the city arsenal, General Adair had made it impossible for him to carry out his plan of adequately reënforcing General Morgan's position. He therefore refused General Adair's request; the result of which refusal was an intensely bitter, and increasingly abusive and personal correspondence between the two generals,[2] ending, as such controversies usually ended in those days, in a challenge. A meeting with pistols was arranged; but, by the timely mediation of friends, the duel was averted, a reconciliation having been effected upon the field, in the presence of seconds, surgeons and invited friends.[3]

[1] As the Jackson-Adair correspondence (Durrett MSS., A) clearly shows, the Kentucky people felt that, not only had Jackson slandered the Kentuckians who had fought on the west bank, but that he had failed to do justice to the gallantry of those who defended his center in the greater contest on the east bank.

[2] Durrett MSS., A, for the correspondence, which throws much light upon the unfortunate misunderstandings, which led to the disaster on the west bank.

[3] This account of the meeting was gathered from oral traditions by Mr. Z. F. Smith. It is given, in fuller detail, in his "Battle of New Orleans," pp. 113–114.

General Adair's championship of the cause of Kentucky honor was deeply appreciated by the Kentucky people, who, through their Legislature, publicly thanked him "for his spirited vindication of a respectable portion of the troops of Kentucky from the libelous imputation of cowardice most unjustly thrown upon them by General Andrew Jackson." [1]

As the defeat of General Morgan's command on the west bank did not affect the final result of the battle of New Orleans, so that great victory itself did not influence the outcome of the war of 1812, for the reason that peace had been concluded before it was fought.[2]

In the negotiations leading to the treaty of peace, Kentucky's great statesman, Henry Clay, played a leading part. At the call of the President, he had resigned his post as Speaker of the House, and had retired to Göttingen, where the negotiations were opened. Associated with him in this important embassy, were Albert Gallatin, James A. Bayard, John Quincy Adams and Jonathan Russell.[3] Adams was, by title, first in the commission; while Gallatin, with a great European reputation as a financial genius, was the man to whom all most willingly deferred. Clay, however, by his winning personality, secured the favor of the commissioners of his Britannic Majesty, and, at the same time, gained an influence over Bayard and Russell, which enabled him to dominate the commission. This fact was fortunate for the western country, whose interests Clay perfectly understood. It was of enormous impor-

[1] Act of February 10, 1816. See Smith's "Battle of New Orleans," p. 112.

[2] The treaty of peace had been signed at Ghent on December 24, 1814, the day after the first landing of the British army on the soil of Louisiana.

[3] Announcement in the "Lexington Reporter" of January 29, 1814; "Memoir of Henry Clay," p. 79.

tance to Kentucky and the West, that the Mississippi, the whole course of whose waters now flowed through American territory, should be kept under the exclusive control of the United States, but the only point upon which any serious difference of opinion arose, among the American Commissioners themselves, involved this very question. They were all cognizant of the fact that, by the third article of the treaty of 1783, certain rights of fishing and drying fish within the British dominions in Canada, were guaranteed to Americans; and that, as compensation for this valuable privilege, that same treaty provided, in the eighth article, that: "The navigation of the river Mississippi, from its source to the ocean, shall forever remain free and open to the subjects of Great Britain, and the citizens of the United States."[1] They knew, also, that this same right had been confirmed to Great Britain, by the third article of Jay's treaty of 1794.[2] And so, while discussing what details were to be insisted upon, in the negotiation with the representatives of Great Britain, the question naturally arose[3] as to whether an article should be inserted in the proposed treaty, renewing these old provisions.

Adams, with the views of a native New Englander, was eager to insert such an article. He felt that the interests of American fishermen could not be otherwise secured; and, like Jay of old, saw no particular necessity for our catering to the interests of the Mississippi Valley. Clay, on the other hand, understood the importance of control of the Mississippi too well to allow it to be shared with England, in order to gain fishing rights for New England

[1] Text of treaty, Snow's "American Diplomacy," pp. 62 et seq.

[2] Text Snow's "American Diplomacy," p. 68.

[3] Introduced by Gallatin, Prentice's "Life of Henry Clay," p. 108; "Memoir of Henry Clay," p. 93.

fishermen. He urged, with justice, that circumstances had completely changed since Jay's treaty had been made. In 1794, Spain had held Louisiana and the west bank of the Mississippi, and it was supposed that the British dominions touched upon its head waters. "But now," he argued, "the whole course of the Mississippi is known and admitted to be within the well defined limits of the United States. There is no more reason for England to claim equal rights upon the Mississippi than for the United States to claim equal rights in the navigation of the Thames."[1] He further pointed out that the right to navigate the Mississippi would give Great Britain free access to the Indians of the Northwest, so lately pacified, and that the danger of her agents stirring them up to renewed border warfare, was by no means remote.

The contest growing excited, Gallatin found it no easy task to umpire this strife of sectional interests.[2] At length, however, a vote was taken as to "whether the navigation of the Mississippi should be offered to Great Britain as an equivalent for the fisheries."[3] Adams, Gallatin and Bayard favored the proposition, while Clay and Russell opposed it. Clay, however, by his arguments and his final declaration, "that he would affix his signature to no Treaty, which should make to Great Britain the contemplated concession,"[4] at length secured the concurrence of Bayard; and Adams and Gallatin were overruled.[5]

[1] Sargent's "Clay," p. 18.

[2] Schouler, II, 435.

[3] Prentice's "Clay," p. 109.

[4] Quoted by Sargent in his "Life of Clay," p. 19, and also by Prentice in his "Life of Clay," p. 109.

[5] See "Diplomatic notice proposed by Mr. Clay at Ghent," on pp. 41–44 of Colton's "Private Correspondence of Henry Clay."

As a result of this victory, the treaty of Ghent omitted all reference to either question, and, upon the ratification of that instrument, the great "Father of Waters," the cause of so much anxiety, and the source of so many dark conspiracies, was finally liberated from all complicity with foreign courts, and became in law, and in fact, the sole and undisputed possession of the United States of America.

Thus, under the skillful management of Henry Clay, the war of 1812 was made to conserve the interests of the great West, and with them also the highest interests of the young nation, which Clay rejoiced to serve.[1]

[1] "To Henry Clay, as its chief mover and author," says John J. Crittenden, "belongs the statesman's portion of the glory of that war; and to the same Henry Clay, as one of the makers and signers of the treaty . . . belong the blessings of the peacemaker. His crown is made up of the jewels of peace and of war." Coleman's "Crittenden," II, p. 46.

CHAPTER XII

A CHAPTER IN FINANCIAL HISTORY

The end of the war of 1812, marked an era in the industrial history of the United States. The embargo and non-intercourse acts, followed by two years of war, had completely deranged the industrial system of the country, and had inaugurated the change which was to make of the New England states a manufacturing,[1] instead of an almost purely commercial region. Then too, the suspension of specie payment, which the Napoleonic wars necessitated in Europe, had raised the price of goods enormously; but, with Napoleon a prisoner, and peace restored, specie payment was again resumed, with a consequent lowering of prices,[2] and an irresistible tendency to speculation and over-trading. An era of fictitious prosperity, such as usually follows a long suspension of specie payment, was ushered in, to meet which successfully required both acuteness and conservatism. Kentucky, unfortunately, was blessed with neither the one nor the other. Her people were far from financial centers, and lacked that grasp of financial problems which only contact with affairs can give. Moreover, her experience in the handling of actual money had been unusually limited. In the early pioneer days, skins had served as her medium of exchange, her merchants generally keeping their accounts

[1] Turner's "Rise of the New West," pp. 12–15, for figures.

[2] Shaler, p. 174; Phelan's "Tennessee," p. 260.

in terms of beaver skins,[1] and sometimes even issuing certificates of deposit of skins which, when properly endorsed, served as a species of bank note. The following is a specimen of this kind of paper money.

"Know all men by these presents that Daniel Boone hath deposited 6 beaver skins in my Keep in good order and of the worth of six Shillings each skin, and I have took from them 6 Shillings for the keep of them, and when they be sold I will pay the balance of 30 Shillings for the whole lot to any person who presents this certificate and delivers it up to me at my Keep. Louisville, Falls of Ohio, May 20, 1784.

"JOHN SANDERS." [2]

As the period of the hunter had given place to that of the agriculturalist, the practice of making exchanges in terms of tobacco had become general, assignable receipts for certain quantities passing current, and performing many of the functions of the bank note of the older communities. Land warrants, too, had served a similar purpose, the purchaser depositing his money with the State treasurer, and receiving in return a warrant for a certain number of acres.

As population increased and commerce began to assume real importance in the life of Kentucky, a new medium of exchange appeared, but one scarcely less primitive than those already mentioned. Tobacco gave place to coins, but coins of such varied types that their circulating value could be determined only by a very rough approxi-

[1] Duke's "History of the Bank of Kentucky," p. 9.
[2] Durrett MSS.

mation; and a pair of balances for weighing them was a necessary part of every mercantile establishment.

When the purchase of Louisiana, in 1803, had given Kentucky the right to carry her goods untaxed to New Orleans, or to distribute them at points along the Mississippi, trade had taken a marvelous bound forward. This had been speedily followed by the opening up of the once almost impassable wilderness lying between Kentucky and the older States;[1] and this in turn by the appearance of steamboats on the waters of the west,[2] which cut down the cost of transportation about two-thirds, and reduced the time, required for a trip to New Orleans, from thirty or forty, to six or seven days.[3]

So extensive a trade, as was now opened to Kentucky, could not long be carried on without some attempt to secure a proper and uniform circulating medium, and, out of these conditions, had developed the first banking concern of the State, the so-called "Kentucky Insurance Company." This company had not been intended by the Legislature as a banking establishment,[4] its ostensible purpose being to make trade, with New Orleans and other distant points, more safe, by insuring cargoes against ordinary accidents and losses; but the promoters had arranged an elastic clause in their charter, the twentieth section of which con-

[1] By 1812 Kentucky was sending east, over the mountains, 500,000 hogs annually; and the trade by water was proportionately large. Turner's "Rise of the New West," p. 101.

[2] Kentucky was the home and burial place of three of the earliest, successful experimenters in steam navigation, John Fitch, James Rumsey, and Edward West. Sketches of their activities and experiments, etc., Collins, II, p. 174.

[3] Annals of Congress, 17th Cong., Sess. 2, p. 407.

[4] "An act to Incorporate the Kentucky Insurance Company," December 16, 1802. The full text is given in Wm. Littell's "The Statute Law of Kentucky," III, pp. 25–31.

tains these words: "And such of the notes as are payable to bearer, shall be negotiable and assignable by delivery only."

In this clause, had been laid the foundation of banking in Kentucky; for the company had proceeded to make the freest use of the privileges of a bank of issue,[1] and had soon "divided eight per cent profit for six months—a fact which drew upon it the horrific denunciation of being a 'monied aristocracy,' and therefore to be put down." [2]

The Kentucky Insurance Company, however, had not long been left to enjoy the monopoly of so rich a field. On December 27, 1806, a charter had been granted, creating the Bank of Kentucky,[3] with a capital stock fixed at one million dollars, half of which was reserved for the State; which latter was to choose annually the president and six of the twelve directors.[4] The charter also contained the remarkable provision, that the State Legislature might, at any time, increase the number of directors from twelve to

[1] Durrett Collection for specimens of notes of the Kentucky Insurance Company. The following is one specimen from that collection:

"The President and Directors of the Kentucky Insurance Company promise to pay C. Vaness or bearer on demand one dollar.

"LEXINGTON, 16 June, 1816.

"WM. H. RICHARDSON, Prest.

"J. L. Martin, Cashr."

[2] Marshall, II, p. 374. Henry Clay's first nomination, as a candidate for the Kentucky Legislature, was due to the fact that he was opposed to a plan, then on foot, to repeal this charter, which had been granted until January 1, 1818. Such a repeal, Clay insisted, would be in violation of the rights vested in the company by its charter, and would be unconstitutional. He was elected by a large majority, and, upon taking his seat, easily defeated the attempt to repeal the charter. "Memoir of Henry Clay," in "Life and Speeches," Anon., I, pp. 28–29.

[3] Usually distinguished as the "Old Bank of Kentucky." "An act to establish a State Bank." Full text, Wm. Littell's "Statute Law of Kentucky," III, pp. 390–399.

[4] The other six were to be chosen by the stockholders.

twenty-four, thus insuring the permanent management of the bank by this body, which would be generally certain to know very little about its affairs, and to intervene for the worse in any critical moment.

Such, then, was the condition in which Kentucky was forced to meet the extraordinary financial temptations, following upon the resumption of specie payment, after the close of the war of 1812. The hard times forced the Bank of Kentucky to suspend,[1] and the Legislature, with inexcusable ignorance, proceeded to give it relief by allowing it to increase its capital stock to three million dollars.[2] Moreover, that this new stock might be the more readily taken up, it prefaced the increase by an act authorizing the trustees of educational institutions to sell their lands, and use the money for the purchase of bank stock.[3]

These measures naturally failed to restore public confidence. Debtors found it impossible to get money with which to discharge their obligations; and creditors declined to accept the notes of the suspended bank. In 1815, matters reached a point where the Legislature again felt called upon to intervene, and again their interference proved the folly of subjecting banking operations to political control. Any creditor, they declared, who shall "refuse to take pay for his debt, in the notes of the suspended bank," shall not collect his dues for one year.

This piece of injustice was followed, in 1817, by the

[1] A general suspension throughout the country, New England excepted, occurred about 1814. Phelan's "Tennessee," p. 260.

[2] "An act to increase the capital of the State Bank," approved February 8, 1815. Littell's "Statutes," III, p. 281.

[3] "An act authorizing the sale of Seminary Lands and the investure of the proceeds in Bank Stock," approved January 26, 1815. Littell's "Statutes," III, pp. 163–164.

legalizing of "an agreement between the Bank of Kentucky and its thirteen branches, to the effect that neither should be required to take the notes of the others." [1] In other words, private creditors must be satisfied to be paid in notes which were so worthless that the banks, which issued them, would not receive them again.[2]

The natural effect of this was that the creditor class was largely bankrupt. The choice between taking bank notes, worth only half their enforced value, and waiting a year for any payment, was a severe test of solvency, and one which few could stand. Nor was the debtor in much better case, as the possibility of borrowing any more money, in the face of such laws, was very small.

In the serious distress which prevailed, the people had recourse to the expedient, which, even yet, financial distress is likely to call forth, that of demanding "fiat money;" and the Kentucky Legislature was neither wise enough to resist the demand, nor experienced enough to foresee the results of acceding to it. It chartered forty independent banks,[3] with an aggregate capital of $8,520,000, and with the privilege of issuing notes, to an "amount equal to three times the amount of their capital stock, less their indebtedness." These notes, redeemable, not in specie, but in the notes of the Bank of Kentucky, which had, by this time, managed to resume specie payment, soon flooded the State, bringing with them rash specula-

[1] Durrett's "Early Banking in Kentucky," in Kentucky Bankers' Association Proceedings of 1892, p. 41.

[2] Duke's "History of the Bank of Kentucky," p. 16.

[3] Act of January 26, 1818, printed among the "Acts Passed at the First Session of the 26th General Assembly for the Commonwealth of Kentucky." Frankfort. Printed by Kendall & Russells, Printers to the State, 1818. Durrett Collection.

tion and reckless expenditure. Men began to look upon banks as "institutions for making the poor rich," and to clamor for a share in the blessings which the United States bank was supposed to be showering upon the regions where its branches were established. In response to this demand, branches of that institution were set up at Lexington and Louisville, but their presence only served to increase the mania for borrowing and reckless speculation. "All hastened to get into debt," says Professor Sumner,[1] "because to do so was not only the only way to get rich, but the only way to save one self from ruin."

The reckoning came swiftly. One by one, the Forty Independent Banks—"The Forty Thieves," as they were popularly called—failed, being unable to pay their demand notes, and they loudly accused the Bank of the United States of being the cause of their ruin, thus drawing upon it the hatred which they themselves merited. They had over-issued, and their notes had found their way into the possession of the branches of the United States Bank. Their presentation was hailed as oppression; as the culmination of a deliberate plot to gain absolute control of the field. In June, 1819, Niles reported,[2] "The whole State is in considerable commotion. The gross amount of debts due the banks is estimated at ten millions of dollars. . . . Several county meetings have been held. Their purpose is: 1, a suspension of specie payments; 2, more paper money; 3, an extra session of the Legislature to pass some laws on this emergency."

For a few months the old Bank of Kentucky continued

[1] Sumner's "Jackson," p. 155.
[2] 16 Niles, p. 261.

to maintain herself, but the pressure from the United States Bank, which held much of her paper, was too severe. On May 4, 1820, the stockholders voted to suspend; and the National Bank held the field without a rival. It was roundly cursed as a monster of wickedness, which had brought ruin upon the State, and wrecked the fortunes of her citizens for its own dishonest ends; the fact that, pleading exemption, it had refused to pay a tax of one hundred and twenty thousand dollars, which the Kentucky Legislature had imposed upon its two Kentucky branches,[1] adding greatly to its unpopularity in the State.[2]

To save Kentucky debtors from the clutches of this "monster monopoly," the Legislature again interfered. It passed a law extending the power to replevy judgments from three to twelve months,[3] thus encouraging the debtor to feel that the Legislature could further protect him from the consequences of his rashness, if men of the right type could be elected. The politicians at once saw the political power that lay in the campaign cry, "Relief;" and, as a result, a majority of the Legislature, after the elections of August, 1820, stood pledged to relief measures.

As an initial step in their dangerous program, the new Legislature passed a bill providing a charter for the bank

[1] Collins, I, p. 29. The object of the tax, says Professor Sumner, was to drive the bank out of the State. Jackson, p. 166.

[2] This plea of exemption was sustained, a few months later, by the Supreme Court of the United States in McCulloch *vs.* Maryland (1819), 4 Wheaton, 316. This decision declared that the States could not tax the bank. In his message of November 7, 1825 (text, 29 Niles, pp. 219 et seq.), Governor Desha declared that the Supreme Court had allied itself with the Bank of the United States to overthrow Kentucky sovereignty; and denounced the Court of Appeals of Kentucky for not sustaining the Kentucky law taxing the bank, instead of yielding to the Supreme Court decision above quoted.

[3] Collins, I, p. 29; Duke's "History of the Bank of Kentucky," p. 18.

which Humphrey Marshall, with characteristic scorn, describes as, "the paper bubble, called 'The Bank of the Commonwealth of Kentucky'; The People's Bank; God save it." [1] This governmental monstrosity was indeed a veritable paper mill, such as is often dreamed of to-day by those socialistic philosophers who believe that the government can create money by the mere operation of its printing press.[2] Its sole business was to turn out money, which it was not required to redeem in specie.[3] The value of this money rested upon public lands, and it was receivable for taxes and all public debts; but, in order to insure its being accepted also in payment of private debts, which was the chief cause of the creation of the bank, the law provided, that if a creditor refused to accept payment in this bank paper, the debtor could "replevy the debt for the space of two years." [4]

The object of this law was to enable debtors to pay their debts in money of low value, and to compel creditors to accept much less than was due them under their contracts. It was, therefore, manifestly contrary to the express wording of the Federal Constitution, which says (Art. I, Sec. 10), "No State shall . . . pass any . . . Law impairing the Obligation of Contracts. . . ." [5]

[1] Act of November 29, 1820. Marshall, II, p. 375.

[2] "Capital stock, three millions of dollars;" says Marshall, II, p. 375, "to be printed on slips of paper representing public faith, for its redemption." The only real capital of the bank was $7,000 appropriated by the Legislature for the purchase of an outfit for printing the notes. Turner's "Rise of the New West," p. 138.

[3] Battle (1887 Ed.), p. 312; Sumner's "Jackson," p. 162.

[4] "The Patriot," March 13, 1826; Robertson's "Scrap Book," p. 48.

[5] The constitutionality of the Bank of the Commonwealth was sustained by judicial recognitions of the Court of Appeals of Kentucky; by an express decision of Chief Justice Robertson, and the Judges Underwood and Nicholas. It was also sustained by the Supreme Court of the United States (Craig *vs.*

The unhappy creditor thus found himself ground between the upper and the nether millstones. If he declined to accept payment in the paper of the Bank of the Commonwealth, worth only half its face value,[1] he was to receive nothing at all, for two years, and then face, perhaps, the same alternative. If he accepted the paper, he lost at least half the value of the debt.[2] No wonder, then, that he raised an outcry at this wholesale public robbery, claiming that the Legislature had no constitutional right to pass a law which was retroactive in its operation, and contrary to the State Constitution, as well as that of the nation.[3]

No important case, except the Dartmouth College case,[4] had as yet caused an official interpretation of the Contract Clause of the Federal Constitution, and the news of that famous case had not reached the courts of the West; [5] but, to the more conservative minds, the wording of the Constitution upon that subject was so clear as to require no judicial illumination. To the masses, however, the question of constitutional interpretation was one which could be solved by political organization, and

Missouri). The validity of the statutes extending replevins was still to be decided upon. "Sketch of the Court of Appeals," Collins, I, p. 495.

[1] By October, 1822, a specie dollar was worth $2.05 in notes of the Bank of the Commonwealth. 23 Niles, p. 96.

[2] "If a judgment creditor," says Judge Robertson ("Scrap Book," p. 48), "would endorse on his execution that he would take the paper of the said bank at par in satisfaction of his judgment, the debtor should be entitled to a replevin of only three months; but . . . if such endorsement should not be made, the debtor might replevy for two years. . . ."

[3] "Lexington Monitor," March 24, 1820.

[4] 4 Wheaton, p. 518.

[5] Justice Harlan—Interview. The decision, Fletcher *vs.* Peck, had declared that Georgia could not cancel land grants, even when obtained by fraud; and the Dartmouth College case decision had declared that New Hampshire could not alter a charter which had been granted before the War of Independence.

they promptly arranged to defend the relief laws, by banding themselves together into a political party called the "Relief party"; while the opponents of the laws, less numerous but more intelligent, also united, calling themselves the "Anti-Relief party." [1]

At this time, there were, practically speaking, no opposing political parties in national politics. The Federalists had breathed their last in the operations of the Hartford Convention, and James Monroe had encountered no serious opposition in the election of 1816; [2] while, in 1820, the lack of national parties was still more emphasized by the fact that Monroe received all the electoral votes cast for President, save one.[3] It was a period, therefore, when one might expect a new division of parties, and, in Kentucky, that division grew out of the question as to whether the relief laws should stand, or should be considered as unconstitutional, null and void.

This question was not long in finding its way into the Kentucky courts. Judge Clark of Clark County and Judge Blair of Fayette County both registered the opinion that the Replevin laws were in plain violation of both the State and the Federal Constitutions,[4] and, while the Relief

[1] Geo. Robertson's "Scrap Book," p. 49.

[2] In this election Monroe, the Democratic candidate, received 183 electoral votes against 34 of his Federalist opponent, Rufus King of New York. Schouler, III, p. 460.

[3] That of a New Hampshire elector who was determined that Washington should remain the only President ever chosen by a unanimous vote.

[4] "Patriot," March 13, 1826, for review of case; Collins, I, pp. 30, 320; II, pp. 132–133; 23 Niles (Supp. to vol. 22), pp. 153 et seq., for Clark's opinion and various documents bearing on the case. "Though it is true that this case is immediately concerning the interests of that State only," comments the editor, "it is of so much importance to the general principles it embraces, as to bring it home to the bosoms of all. It is for this reason we allot so much space to it." The case was Williams *vs.* Blair, etc.

party was lashing itself into a fury over this "treachery to the people's interests," the Court of Appeals found itself face to face with the same question. Its opinion [1] was unanimous; that, "as the Legislature had attempted to make the extension of replevin retroactive, its acts were interdicted by both the Constitution of the State and of the Union." [2]

Under normal conditions, these decisions would have settled the question, but the subject had ceased to be a mere question of legal interpretation. In it the radical leaders saw an important political issue. "Resistance to the sovereign will," roared the Relief orators, "is tyranny, and will not be endured." They then turned to the problem of how to enforce that "sovereign will," in defiance of the fiat of "corrupt courts of law," and wisely decided that the first step must be the capture of the State Government in the coming gubernatorial election.

The cry of "Relief for the debtor" proved most effective, and, when the election was held (August 7, 1824),[3] the Relief party found its success greater than its fondest hope had dared to picture it. General Joseph Desha, their candidate for governor, was elected by a majority of over fifteen thousand, and, with him, an overwhelming majority of Relief members for each House in the State Legislature.

This triumph of radicalism in Kentucky was one of

[1] Opinion delivered October 8, 1823, by Chief Justice Boyle, in case of Blair *vs.* Williams. Separate opinions by Wm. Owsley and Benj. Mills, on October 11, 1823, in case of Lapsley *vs.* Brasher & Co. Robertson's "Scrap Book," pp. 49–74, gives a careful examination of the decision. See also Collins, I, pp. 320, 495.

[2] Robertson's "Scrap Book," p. 48. Outline of the opinion, Collins, I, pp. 495–496.

[3] Collins, I, p. 31; Sumner's "Jackson," p. 164.

the straws indicating the course of the wind in the national campaign of 1824, which was now at its height. In the peaceful days of 1822, when every man was merely a democrat, the Kentucky Legislature, at a joint meeting of both Houses,[1] had unanimously declared Henry Clay the fittest person to succeed James Monroe,[2] and a committee had been appointed to correspond with other likely States, with a view to securing a similar endorsement.[3] Their effort had been successful, and Louisiana, Missouri, Illinois and Ohio, through their Legislatures, had formally announced Clay as their candidate,[4] a man committed to a protective tariff and internal improvements at national cost.

Meanwhile, three other men, of undoubted ability, had been preparing to capture the office of president, all of them, like Clay himself, members of the party of James Monroe. John Quincy Adams, Secretary of State, was a strong candidate, by virtue both of his eminent public services, and of his position, which had always been regarded as the stepping stone to the presidency. Andrew Jackson's aspirations were more ridiculed than feared by the politicians, who fancied his candidacy merely a new and aggravated expression of egotism; while William H. Crawford of Georgia, Secretary of the Treasury, was encouraged to hope that his masterly knowledge of machine politics might secure him the coveted position.

[1] Frankfort, November 18, 1822. Robertson's "Scrap Book," p. 147; Sargent's "Clay," p. 35.

[2] This was the first time Henry Clay was presented as a candidate for the presidency. He was then in his forty-sixth year. Robertson's "Scrap Book," p. 147.

[3] Robertson's "Scrap Book," pp. 148–149, gives the address of this committee to the Ohio representatives, urging the reasons why the West should support Clay.

[4] Prentice's "Clay," p. 223.

Between Clay and Jackson, there existed a feud of long standing, which had arisen out of the famous Seminole debates of 1819. In 1818 Jackson had been ordered by Calhoun, Monroe's Secretary of War, to put an end to the outrages which the Seminole Indians, urged on by certain British subjects resident in Florida, had for years been committing along the southern frontier. He was specifically commanded to respect the sovereignty of Spain in the peninsula, and on no account to molest a Spanish post. Jackson had raised volunteers in Georgia, and, placing himself at their head, had marched boldly into Florida, driving the Indians before him. The fugitives had taken refuge in the Spanish posts, which Jackson had promptly seized and garrisoned with his own men, contrary to the specific terms of his marching orders. It was a glorious campaign, but it was as high-handed a piece of insubordination as our history records, and Clay, with characteristic impetuosity, had headed a movement to censure Jackson for his conduct.[1] To a man of the latter's imperious disposition, this was a personal insult, and, to the last day of his life, he hated Clay, and all who had been associated with him in this movement, with a bitterness which nothing could assuage. It was out of this personal hostility between the two great leaders, that a new division of national parties was soon to emerge.[2]

In the election of 1824, the Kentucky people were called to decide between these four candidates, and, as the national questions, involved in the presidential election, did

[1] "Memoir of Henry Clay," p. 120.

[2] The Jacksonites, and the anti-Jacksonites, as they were first called; then the Democratic Republicans and the National Republicans; and finally, after Clay's genius for organization had molded the opposition into a semblance of unity, the Democrats and the Whigs. See Schouler, III, p. 90.

not touch the local issue of relief or anti-relief, all their electoral votes were given to Henry Clay. In addition to these fourteen, however, Clay received only twenty-three votes, a total too small to entitle his name to consideration at the hands of the National House of Representatives, to whom the choice of a president was referred, no one of the candidates having received a majority.[1]

In spite of his defeat, Clay found himself in a position of remarkable power, as he could control enough votes in the House to assign the presidency to any one of his three rivals whom he should choose.[2] If the will of the people were to be carried out, disregarding the fact that it had not been expressed by a legally binding majority, he was in duty bound to support his bitter personal and political enemy, Andrew Jackson, who had received a plurality of the electoral vote, and the highest popular vote.[3] This was the course which the Kentucky Legislature, now under the influence of the Relief party, urged upon its representatives.[4] But Clay saw no such duty in his present position. He believed that the wording of the Twelfth Amendment to the Constitution gave Congress

[1] Jackson had received 99 electoral votes; Adams, 84; Crawford, 41; and Clay, 37. Jackson received more electoral votes than any other candidate, as well as the greatest popular vote, and his friends at once declared him the evident choice of the nation. Schouler, III, p. 325; "Life and Speeches of Henry Clay," Anon., I, p. 133; Sargent's "Clay," p. 37.

[2] Schouler, III, p. 325; Turner, p. 260; Sargent's "Clay," p. 35.

[3] This would have meant practically that a mere plurality was competent to elect a president. But the Twelfth Amendment to the Constitution declares: "The person having the greatest number of votes for President, shall be President, if such number be a majority of the whole number of Electors appointed: and if no person have such majority . . . the House of Representatives shall choose. . . ."

[4] Adams's "Memoirs," VI, p. 446; Prentice's "Clay," p. 231; Collins, I, p. 31. Request to vote for Jackson sent by Kentucky Legislature on January 11, 1825.

absolute freedom of choice as between the three names referred to them and, in defiance of the express instructions of Kentucky, he threw his influence for John Quincy Adams, thus securing his election.

At the news, the rage of the Relief party knew no bounds. Indignation meetings were held in various towns throughout the State: the sentiment, "the will of the sovereign people, the supreme law," was bellowed from every platform, and effigies of the man who had dared to defy it, was brought out and burned to ashes.[1] The crowds then dispersed, rousing the echoes, as they rode homeward, with the cry of, "Relief for the debtor."

But this excitement was as nothing compared to the roar that greeted the announcement of Clay's having accepted the portfolio of State, under the administration which he had thus created. The charge of "bargain and corruption," which Jackson ungenerously countenanced, began its strange career, and, all unfounded as we now know it to have been, it never afterward ceased to impede the progress of the "Great Commoner," toward the goal of his ambitions.

"The Spirit of '76," the official organ of the Anti-Relief party in Kentucky, published elaborate refutations of the slander, and Clay and Adams[2] provided sufficient evidence to disprove it three times over; but Jackson, in impassioned letters, designed for the public eye, expressed

[1] Collins, I, p. 32.

[2] Speaking at Maysville, Ky., on November 14, 1844, Mr. Adams said: "The charges . . . I have denied before the whole country. And I here reiterate and reaffirm that denial; and, as I expect shortly to appear before my God to answer for the conduct of my whole life, should those charges have found their way to the Throne of Eternal Justice, I will, in the presence of Omnipotence, pronounce them false." See also Seward's "Life of John Quincy Adams," chap. VIII.

his faith in the story, and his party managers made of it a permanent political asset.

A single stanza, from a jingle published in one of the local papers, strikes the heart of the matter, but it appealed only to the opponents of Jackson:

> "O! Jackson Hick'ry Joe Jack
> Your letter I have seen;
> And its contents are nothing else
> But jealousy and spleen,
> 'Gainst Adams and his friends Jack,
> As we full well do know;
> Because you was not chosen Jack,
> O! Jackson Jack my Joe."

In the meantime, the Kentucky Legislature had been making use of its Relief majorities to remove the judges of the Court of Appeals, who had dared to resist public opinion in defence of the Federal Constitution. The attempt had first been made by the constitutional means of "an address" to the governor;[1] but, this having failed, for lack of the constitutional two-thirds majority,[2] an act was passed[3] abolishing the Old Court, and providing for the organization of a new one, to be composed of judges pledged to support the Replevin laws. It was a dastardly

[1] Text of resolutions for removal, "Patriot," March 13, 1826, together with an historical summary of the case. The vote, 61 to 36, showed the strength of the Relief party after the elections of 1824. For details of a similar case in Rhode Island, in 1786, see Fiske's "Critical Period," pp. 174–176. To this, and similar cases of the year 1786, Mr. Fiske traces the origin of the Contract Clause of the Federal Constitution.

[2] Collins, I, p. 321.

[3] December 9, 1824. Robertson's "Scrap Book," p. 75. A bare majority sufficed for passing this act.

attempt to subvert the intent of law, and bring the judiciary under the controlling power of the Legislature, nor was its real meaning disguised by calling it "an act reorganizing the Court of Appeals." [1]

The New Court was organized; [2] but the judges of the Old Court stoutly denied the constitutionality of the reorganizing act, and continued to try such cases as were brought before them. They claimed to be still the legally constituted Court of Appeals of Kentucky, and the majority of the attorneys in the State recognized their claim. Some, however, adhered to the New Court, and others were quite unable to decide between them. It was a crisis which might easily have given rise to civil war; but, instead, it became the political question of the hour, and in place of the former party names, Relief and Anti-Relief, now appeared the names, New Court party and Old Court party. The situation was peculiar; for the question at the bottom of an excitement purely local was itself decidedly national in character, viz: "Shall the people interpret the Federal Constitution for themselves, or must they accept the interpretation set upon it by their courts?" The Old Court of Appeals had declared the "Replevin laws" contrary to the Federal Constitution; but the majority of the voters in the State had, by the election of Relief candidates, declared them constitutional.

[1] To abolish any one of the three coördinate branches of the Government was evidently beyond the powers of either or both of the other two. To abolish any one of them required an amendment, passed in due constitutional form; but this the Relief majority in the Legislature knew to be impossible. See "Spirit of '76," March 17, 1826. It passed the House, after fierce debate, on December 24, 1824. Acts of 33d General Assembly of Kentucky, pp. 44–56; Robertson's "Scrap Book," p. 75.

[2] Personnel of New Court, etc. Collins, I, pp. 322, 496.

The leaders of the Old Court party wisely decided to make the campaign of 1825 a campaign of education.[1] Their orators and writers spared no pains to set forth the dangers incident to the policy of subjecting the courts to the domination of the State Legislature, and the result was a sweeping victory. Most of the seats in contest were captured by Old Court candidates, and they secured complete control of the House. The Senate, however, remained equally divided, as only one-third of its seats had been involved in the election; [2] but the vote of the presiding officer, Lieutenant Governor Robert B. M'Afee, placed it under the control of the New Court party. Every effort, therefore, to repeal the reorganizing act was in vain; and the Old Court party again applied itself to the task of educating the people, that the Senate also might be regenerated in the election of 1826.

That election was preceded by a campaign of intense bitterness, a war to the death; but the Old Court was again victorious.[3] The Senate, as well as the House, now came under their control, and they promptly declared [4] the hated reorganizing act, unconstitutional, null and void. The heroic judges of the Old Court were voted full salary for the period during which they had been illegally deprived

[1] Text of Protest (December, 1824), placing the cause of the Old Court before the people in a clear statement of the issues involved. Robertson's "Scrap Book," pp. 92–94; also "Spirit of '76," for March 17, 1826, where it was reprinted after the campaign.

[2] Collins, I, p. 497.

[3] In Robertson's "Scrap Book," pp. 97–137, we have a collection of the articles written during this campaign. They surpass in bitterness even the famous newspaper war of Freneau and Fenno during Washington's second administration.

[4] Act of December 30, 1826, "An act to remove the unconstitutional obstructions which have been thrown in the way of the Court of Appeals." Collins, I, p. 497; and I, p. 33.

of their offices,[1] and the fiercest political conflict, which has ever occurred in Kentucky, was terminated without bloodshed. The Old and the New Court parties gradually became absorbed in the new national parties which were taking shape, the former following Henry Clay into the ranks of the National Republicans, later to become the Whigs; while the latter sought the shelter of the Jacksonian democracy. But, in spite of the recent victory of the conservative element in Kentucky, it soon became apparent that the Jacksonian leadership was restoring the radical party to its position of control in that State, Adams being found a heavy burden for Clay's Kentucky friends to carry. There was little surprise felt, therefore, when, in the presidential election of 1828, Kentucky gave her fourteen electoral votes to Jackson and Calhoun.

Although Clay was not[2] personally concerned in this election, he felt deeply the humiliation of seeing his own State marshalled in the ranks of his victorious enemy; and at once began organizing his defeated party for the great battle of 1832, when it was evident that he himself would be pitted against Jackson for the presidency. He retired to his country home on the outskirts of Lexington, where, after enjoying the prolonged ovation which there always awaited him, he busied himself with the duties of his estate, keeping a keenly critical eye on the new administration, and, at intervals, exposing its failures in popular addresses. The plan of his friends was to keep him in retirement for a couple of years, and then to send

[1] Collins, I, p. 322.

[2] If Clay had been the candidate chosen to oppose Jackson in this election, it is likely that Jackson would have sustained a second defeat, not in Kentucky alone, but in the nation. It was Clay's golden opportunity.

him to the United States Senate, where his campaign was to be opened.[1]

The political events of Jackson's first term were not such as to endear him to the hearts of the Kentuckians.[2] If they had doubted, before his election, what his views would be, they were soon enlightened. The United States Bank by this time completely occupied the field in Kentucky. The "Forty Thieves" were gone, the old Bank of Kentucky had wound up its affairs, and the Bank of the Commonwealth had run its mad course and gone into liquidation, leaving wrecked fortunes behind it. Six hundred thousand dollars, says Professor Sumner,[3] "fairly represents the net swindle which the relief system perpetrated on its dupes, to say nothing of its effects on creditors and on the general prosperity of the State." [4]

Under the beneficent influence of the United States Bank, the people were beginning to experience, for the first time, the blessings of a really good currency, while the old cry of the Relief Party, that the bank was a corrupt monopoly, aiming to destroy the sovereignty of the States, had subsided. Great was the consternation, therefore, when Jackson took up the "Kentucky relief notion of the bank in its extreme and most malignant form." [5] It is not known that he felt any hostility toward

[1] Schouler, III, p. 465.

[2] His appointment of Wm. T. Barry of Kentucky as Postmaster-General was not a popular choice in Kentucky, for Barry had been a Clay man in 1824, and had later "deserted to the enemy." Jackson also offended Kentucky by recalling General Harrison from his post as Minister to Columbia, on account of his friendship for Clay. Schouler, III, p. 455.

[3] Jackson, p. 173.

[4] The charter of the Bank of the Commonwealth was to expire by limitation in 1841, but by 1830 it had ceased to do business as a bank. Duke's "History of the Bank of Kentucky," p. 21.

[5] Sumner's "Jackson," p. 277.

the bank when he came to Washington for his inauguration, but, before his first message was sent to Congress, he had decided to make war upon it. In bringing him to this decision, says Professor Sumner,[1] "the ultimate agents were Amos Kendall, who brought the Kentucky relief element, . . . Isaac Hill . . . and Blair, who was stronger than either." [2] Kendall, fresh from Kentucky, had convinced Jackson that bank officers, in that State, had used money for carrying the State elections of 1825, when the fight between the Old and the New Courts had been at its height. Blair, who had been clerk of the New Court of Kentucky,[3] and had lost his position by the repeal of the reorganizing act, had been brought to Washington, at Kendall's suggestion, to play the part of political editor to Jackson's administration. He had held the position of President of the Bank of the Commonwealth of Kentucky, and was deeply in debt to the Bank of the United States.[4] It is not astonishing, therefore, that he joined Kendall in turning the President against that institution, and in bringing him to see it as the Relief Party of Kentucky had seen it, in the days of its conflict with the Bank of the Commonwealth.

But, although Jackson's denunciation of the bank endangered the basis of Kentucky prosperity, another of his views was even more unpopular in the State—his hostile attitude toward internal improvements at national cost. The first bill sent to him, which involved this question,

[1] Jackson, pp. 278–279.

[2] Both Kendall and Blair had formerly been ardent Clay men but "had been carried by Kentucky bank politics into the Jackson party." Schouler, III, p. 502.

[3] Collins, I, pp. 32, 33, 322, 496.

[4] Kendall's "Autobiography," p. 372.

authorized the Secretary of the Treasury, on behalf of the Federal Government, to subscribe for fifteen hundred shares of the capital stock of a Kentucky corporation, the Maysville, Washington, Paris and Lexington Turnpike Road Company,[1] thus contemplating the appropriation of one hundred and fifty thousand dollars of national money for a purpose purely local in character. Not only was it the darling project of the strongest Jackson district in Kentucky, but it was regarded as a sort of test case. A veto of this bill would destroy all hope of securing national aid, in internal improvements for Kentucky, and would mean, also, a death to Jackson enthusiasm in the region affected. But these facts had no weight with Jackson. He returned the bill to Congress with his veto,[2] thus giving to the Maysville turnpike project a fame as "broad as the Union," and dashing the hopes of hundreds of other districts which were waiting with similar proposals.[3]

With reference to the protective tariff, Jackson was more cautious, as he preferred to remain noncommittal until after the election of 1832;[4] but this course was denied him, as Clay soon found himself in a position to force this issue, which he hoped would aid in securing the defeat of his enemy. In November, 1831, according to the plan already mentioned, Clay was elected to the United States

[1] Collins, I, p. 539, gives analysis of vote.

[2] Veto message, Richardson's "Messages and Papers of the Presidents," II, pp. 483–494.

[3] Collins, I, pp. 36, 540. A bill for the Louisville canal was also presented to Jackson, but he disposed of it by means of the so-called "pocket veto." Ibid., p. 494, and Sumner's "Jackson," p. 235.

[4] Schouler, III, pp. 481–482. Kentucky wanted high duties on wool, iron, hemp, molasses, etc., their raw products, and on whiskey, which they manufactured; but low duties on woolen and cotton fabrics. Sumner's "Jackson," p. 244; Schouler, IV, p. 59.

Senate, and, upon arriving at Washington, found the position of organizer and leader of the anti-Jackson forces of both Houses awaiting him. While busying himself with the task of trying to form a compact party out of factions having little in common, but a bitter hatred of Jackson, he received formal notification that the National Republicans had nominated him for the presidency.[1]

Clay's position, and that of his party, was definite. They favored the recharter of the National Bank, a system of protective tariff duties and internal improvements at national cost. To such a program they could not hope to hold the Calhoun wing of the opposition, but they might hope to win, without their aid, if only Jackson could be forced to take as definite a position upon the tariff question, as he had already taken upon the bank and internal improvements. Accordingly, in July, 1832, a bill was passed and sent to the President, reducing the revenue, but retaining, in distinct form, the principle of a protective tariff.[2]

At the same moment, Jackson held in his hand another Clay bill, providing for the recharter of the National Bank.[3] There was no immediate necessity for a recharter at this time, as the existing charter was not to expire until 1836, but Clay felt it to be good generalship to force the tariff question and the bank question together, in order to weaken the Jackson party in the coming election.

Finding himself facing a political campaign with the

[1] Baltimore, December 12, 1831.

[2] Parton's "Jackson," III, p. 451. It went to the President, July 9; signed and returned July 14, 1832.

[3] Sent to President, July 4; vetoed July 10, 1832. Text of veto message, Richardson's "Messages and Papers," II, pp. 576 et seq. Full details, Benton's "Thirty Years' View," I, pp. 243 et seq.

necessity of deciding two such questions, each of which was certain to make powerful enemies for his party, Jackson met the issues squarely. The bank he had openly threatened and denounced as a corrupt monopoly, and he was willing to take the consequences of putting an end to its existence. He therefore vetoed the bill for its recharter, and returned it to Congress with his objections. On the subject of the tariff, however, he had never expressed such strong opinions, and, although Clay had drawn the bill, he deemed it wise to accept it. It was accordingly signed and returned to Congress.[1]

To attempt to carry the bank bill over the veto was useless, and all the arts of politics were now put into operation to convince the people of the ruinous results of the failure of the bill for a recharter, but without avail. In the campaign of 1832, Clay was hopelessly defeated.[2]

The attempt to corner Jackson had not profited the opposition, and it soon became evident that it had endangered the Union itself. South Carolina, regarding the passage of Clay's tariff bill, followed by the reëlection of the President who had signed it, as evidence that protection was now the settled policy of the nation, passed (November 24, 1832) the ordinance of nullification,[3] declaring the tariff laws of 1828 and 1832, void and of no force within her territory. This was the first explicit application of the principles announced in Jefferson's draft of the Kentucky Resolutions of 1798, the test case as to whether a single State may nullify and set at defiance a Federal law.[4]

[1] Schouler, IV, p. 69.

[2] In 1828 Jackson had a majority of 7,934 in Kentucky. In 1832 Clay carried the State by a majority of 7,324. Collins, I, pp. 35, 37.

[3] Benton, I, pp. 297–298, text.

[4] On September 7, 1831, John Quincy Adams had written Clay a letter,

In this important crisis, Jackson showed himself a national man. His message of December 4,[1] it is true, refers, with most uncharacteristic mildness, to the "opposition to the revenue laws . . . which threatens to thwart their execution," but, in his proclamation, issued six days later,[2] he announced a firm "determination to execute the laws, to preserve the Union . . . to arrest, if possible, by moderate, but firm measures, the necessity of a recourse to force; and if," he adds, "it be the will of Heaven that the recurrence of its primeval curse on man for the shedding of a brother's blood should fall upon our land, that it be not called down by any offensive act on the part of the United States." The views expressed in this document are as purely national as those of Webster in his "Reply to Hayne." "One short week," wrote Henry Clay, "produced the message and the proclamation—the former ultra on the side of State-rights, the latter ultra on the side of consolidation." [3]

Upon the face of the two documents, this might be considered a just criticism, but, before the message had been sent to Congress, Jackson had arranged for the vigorous enforcement of the laws in South Carolina. As early as November 6th, he had ordered the collector of

expressing in detail his views concerning nullification. "Among the States," he says, "which I have charged with directly asserting, or imprudently giving countenance to it is your beloved State of Kentucky, as well as my own Massachusetts. I believe we are indebted to Kentucky for the word. . . ." In this Mr. Adams was mistaken, as Jefferson's draft had furnished "the word." Colton's "Private Correspondence of Henry Clay," pp. 311–314, for full text.

[1] Text, Richardson's "Messages and Papers," II, 591 et seq.

[2] Proclamation of December 10, 1832. Text, Benton's "Thirty Years' View," I, 299–303.

[3] Clay to Francis Brooke, Washington, December 12, 1832. "Private Correspondence of Henry Clay," Colton, p. 345.

the port of Charleston to "resort to all the means provided by the laws . . . to counteract the measures which may be adopted to give effect" to the ordinance of nullification, which is likely to be adopted,[1] and, a few days later, General Scott had been ordered to Charleston.

Clay was doubtless ignorant of these orders, which certainly were not those of a man "ultra on the side of State-rights," but his criticism of Jackson's supposed change of position is strange, in view of what he himself proceeded to do, by way of meeting the crisis. Fearful lest the defiance of South Carolina should result in placing war powers in Jackson's hands, Clay, the father of the American system, yielded to a suggestion of Ex-Governor Letcher of Kentucky,[2] and entered into a compromise with Calhoun, the champion of absolute free trade. On February 12, 1833, he offered in the Senate a tariff bill [3] for scaling down the duties every two years, until, by the end of June, 1842, they should reach a basis of twenty-five per cent or lower.

This compromise measure, once launched, attracted much hostile criticism, and justly so. Webster objected to it on the ground that, "it would be yielding great principles to faction, and that the time had come to test the strength of the constitution." But Clay carried it through, and the circumstances of its final triumph show his skill as a parliamentary tactician. Being a revenue bill, it could not constitutionally emanate from the Senate, so use

[1] Text of these orders, Parton's "Jackson," III, pp. 460–461.

[2] Now a member of the National House of Representatives. Details of the conversation in which the compromise idea originated. Benton's "Thirty Years' View," I, pp. 342–343.

[3] Full details of bill, etc., Benton's "Thirty Years' View," I, pp. 313–330; Parton's "Jackson," III, p. 477.

was made of the so-called Verplanck bill, an administration measure for tariff revision, which had been before the House since December 27, 1832.[1] Late in the afternoon of February 25, 1833, says Parton,[2] "Mr. Letcher of Kentucky, a fast friend of Mr. Clay, rose in his place [in the House of Representatives], and moved to strike out the whole Verplanck bill—every word excepting the enacting clause—and insert, in lieu of it, a bill offered in the Senate by Mr. Clay, since called 'The Compromise.'" It was done, and the bill, thus strangely amended, passed the House, by a vote of one hundred and nineteen to eighty-five. This settled the immediate dispute, and South Carolina repealed her ordinance of nullification; but, before the final conclusion of this compromise, which Clay in his latter years bemoaned as one of the greatest blunders of his public life, the Kentucky Legislature, chafing under the charge that Kentucky had paved the way for South Carolina's position, issued a statement strongly condemning the nullification theory, and expressing unqualified attachment to the Union.[3]

The South Carolina affair thus disposed of, Jackson turned to the task of carrying out the people's verdict against the National Bank, and, after several experiments, secured, in Roger B. Taney, a Secretary of the Treasury who would strike the fatal blow. On September 22, 1833,[4] Taney issued his famous order, stopping gov-

[1] Details, Schurz's "Clay," pp. 8–9.

[2] "Jackson," III, p. 481.

[3] February 2, 1833. Collins, I, p. 37. The general tendency, during this entire controversy, was to treat the Virginia Resolutions of 1798, instead of the Jefferson draft which served as the original text for both Kentucky and Virginia, as the direct antecedent of Calhoun's theories.

[4] Full details, documents, etc., relative to Removal question, Benton's "Thirty Years' View," I, pp. 373–379; Parton's "Jackson," III, pp. 493 et seq.

ernmental deposits in the National Bank, and directing that the sum already on deposit be drawn upon until exhausted.[1] This meant the end of the National Bank, for the fierce opposition of Clay, Webster and Calhoun combined, was unable to force a reconsideration upon Jackson.[2]

Almost at once there resulted a relapse toward fiat money throughout the Union. State banks sprang up like Jonah's gourd,[3] and poured forth in ever increasing streams, says Bolles, "those spurious issues of paper money—those pictured shadows that bewildered the brain, intoxicated the hearts of the people, and drove them into the maddest schemes of speculation and extravagance." [4] Under their influence trade went mad. The prices of all commodities rose prodigiously,[5] in itself a sure sign of dangerous inflation. Throughout the entire country schemes of internal improvement upon a gigantic scale were entered upon, while private speculation ran riot. The history of one State was the history of all; projects for canals, railroads and turnpikes, quite beyond the demands of commerce, excited all communities, while little serious attention was given to the final reckoning which was sure to follow.

[1] "A few only—a fraction of the cabinet and some friends—concurred heartily in the act: Mr. Taney, . . . Mr. Kendall, Mr. Francis P. Blair . . . and some few others," says Parton (Jackson, III, 374). This shows that the principles of the New Court party of Kentucky was still deeply influencing the current of national history.

[2] Bolles' "Financial History of the United States," I, p. 345.

[3] Statistics showing sudden growth of State banks under these conditions, Schurz's "Clay," II, p. 116.

[4] Bolles' "Financial History of the United States," I, p. 347.

[5] Wilson, IV, pp. 66-67, for description of the process. Also Collins, I, p. 325.

While business was thus abnormally stimulated, the Secretary of the Treasury announced that the Government was entirely out of debt and that a surplus was mounting up, which could not be prevented, as the tariff revenues were derived from the Compromise Tariff law which none dared alter. In order, therefore, to reduce this surplus, Congress ordered that all surplus funds, above five million dollars, should be apportioned among the States as loans without interest. This of course served to drive the States still deeper into plans for internal improvements. The banks were all soon far over the line of safety, and trade was dashing along simply upon public confidence. The crisis came when this confidence was suddenly disturbed by a command, issued July 11, 1836, that government land agents should accept only gold and silver in payment for public lands.

At this critical point, the campaign of 1836 opened, and it is proof of Jackson's resistless popularity that, in spite of his high-handed conduct in removing the deposits, contrary to the wishes of both Houses of Congress, he was able practically to appoint his successor, and that a successor who had pledged himself to follow in Jackson's footsteps, in case of his election.

Within two months after Van Buren's inauguration, Jackson's specie circular had brought on a panic, and most of the banks of the country had suspended. Kentucky found herself in much the condition which had produced the Relief and the Anti-Relief parties, of a few years before. Her citizens were almost all of the debtor class, having borrowed money for numberless private speculations based upon the supposition that the high prices, then prevailing, were to be permanent. When

the Legislature again assembled, in the spring of 1837, therefore, they were met by tumultuous demands for some sort of relief, but, in this crisis, they recalled the fate of the Replevin laws, and avoided extreme measures.

By safe and conservative means, the immediate crisis was passed, and specie payment was resumed, after a suspension of a little more than a year.

The spirit which had caused the passage of the old Replevin laws was still vigorous in the State, but it never again secured control of the Legislature, and, from the panic of 1837 to the present day, conservatism has ruled in the financial affairs of the Pioneer Commonwealth.

CHAPTER XIII

KENTUCKY IN THE WAR WITH MEXICO

THE institution of slavery, established in Virginia in 1619, spread to Kentucky as naturally as it spread to any other section of the "Old Dominion," and when separation took place, slavery remained in Kentucky by a right which few thought of disputing. In expressing her willingness to allow Kentucky to become a State, Virginia stipulated that the existing custom of slavery should not be interfered with,[1] and, in the Constitution, made and submitted to her before Kentucky took her place in the Union, it was expressly stated that, "The Legislature shall have no power to pass laws for the emancipation of slaves without the consent of their owners, or without paying their owners, previous to such emancipation, a full equivalent in money, for the slaves so emancipated: they shall have no power to prevent immigrants to this State from bringing with them such persons as are deemed slaves by the laws of any one of the United States, so long as any person of the same age or description shall be continued in slavery by the laws of this State." [2]

Under these sufficient guarantees, the slave population of Kentucky increased two hundred and twenty-four and one-half per cent between 1790 and 1800,[3] although, dur-

[1] Johnston's "American Political History," Woodburn Ed., II, p. 34.

[2] Art. IX, Text of Constitution, Marshall, I, pp. 396–413. This whole article describes powers granted and denied the Legislature relative to slavery.

[3] A table, in Collins, II, pp. 258–271, gives full census reports for Kentucky

ing the same period, there began to be manifested the inevitable desire of the few opponents of the system to organize for its destruction.

Up to the year 1829, however, abolition and emancipation movements, in the nation as in the State, were in general peaceful, but the appearance of William Lloyd Garrison and his publications, "The Genius of Universal Emancipation," and the "Liberator," mark a new epoch.[1] With them abolition, immediate and irrespective of the so-called rights of owners, started upon its wild career. Peaceful discussion of plans acceptable to North and South alike ended; for abolition in Garrison's hands became a firebrand, a doctrine of aggression which knew no compromise,[2] a war against "union with slaveholders," an attack upon the very Constitution itself, which was denounced as, "a league with death and a covenant with Hell."

In 1831, Cassius M. Clay, son of General Green Clay, went to Yale College, and was there brought under the magic of Garrison, already well launched upon his dramatic crusade. Soon after Clay's admission to the Junior Class, the College was stirred by the news that "Garrison was going to speak in the South Church."

"I had," writes Clay,[3] "never heard an abolitionist, nor the name hardly," so complete was "the isolation of thought between the Liberals of the South and the North,"

from 1790 to 1870. On p. 261 the figures concerning slave population and rate of increase are given.

[1] The former was started in Baltimore in 1829; the latter in Boston two years later.

[2] Johnston's "History of American Political Parties," Woodburn Ed., II, p. 45.

[3] "Memoirs," I, p. 56–58.

but, "I went to hear Garrison. In plain, logical and sententious language he treated the 'Divine Institution,' so as to burn like a branding-iron into the most callous hide of the slaveholder and his defenders. I felt all the horrors of slavery; but my parents were slaveholders; all my kindred in Kentucky were slaveholders; and I regarded it as I did other evils of humanity, as the fixed law of nature or of God. . . . Garrison dragged out the monster . . . and left him stabbed to the vitals, and dying at the feet of every logical and honest mind. . . . I then resolved . . . that, when I had the strength, if ever, I would give slavery a death struggle."

Such was the initiation of the man who boasted that he was the first real abolitionist of Kentucky. The iron had entered deep into his soul, and, from that moment, the friend of slavery was to him the enemy of mankind.

After two years spent at Yale, Cassius Clay returned to Kentucky, where he entered the field of politics, and began the free expression of his views. The impression, made by Garrison, time and experience only served to deepen, and, as the slavery cloud darkened over Kentucky, the "Lion of Whitehall," vaunted his abolitionist theories in the faces of the slaveocracy as boldly and fearlessly as if the whole world were on his side. He knew the danger of his course as well as any man. The terror inspired by the slave power, he said upon one occasion, is but faintly indicated by the declaration of a minister of South Carolina who said that it "were better for him, rather than denounce slavery, 'to murder his own mother, and lose his soul in hell!'" [1] This is of course the exaggerated style, characteristic of the abolitionist of the pe-

[1] "Memoirs," I, p. 106.

riod; but no one, who knew Cassius M. Clay, will venture to deny that he had the courage of his convictions, and was a man, if one ever existed, who feared no foe.

In 1841, an act was introduced into the Kentucky Legislature, for repealing the law of 1833,[1] which prevented the importation of slaves into Kentucky, but it failed to pass. Cassius Clay seized this occasion for denouncing slavery and its defenders in the savage language which he knew well how to use. To the threats of the slaveholders, he replied that neither bowie knives, pistols nor mobs could force him to change his course toward the institution, and he warned them that, although ready to sacrifice his life, if need be, in the cause, they would not find him "a tame victim of either force or denunciation." [2]

In the election of 1844, one grave and important question of international interest dominated all others:[3] "Shall Texas be admitted to the union of the States?" There is now a very general agreement, among historians, that Texas was a part of the Louisiana purchase.[4] It is also a recognized fact that, in the treaty of 1819, in which Florida was purchased by the United States, our claim to Texas was

[1] Passed February 2, 1833. See Collins, I, p. 37. This law was responsible for the fact that the slave population in Kentucky increased less rapidly during the decade 1830–1840 than during any other decade prior to 1850. On February 24, 1849, it was so amended as "no longer to prohibit persons from purchasing and bringing into the State slaves for their own use." Collins, I, p. 58. On March 2, 1860, all such restrictions were finally repealed. Ibid., p. 83.

[2] Wilson's "Rise and Fall of the Slave Power in America," I, p. 629.

[3] The question of "The re-occupation of Oregon," was only a campaign cry by which the Democrats hoped to hold their Northern following. Negotiations for compromise with England had been quietly opened even before the election, by which the 49° instead of 54° 40′ parallel was fixed, in 1846. Blaine's "Twenty Years in Congress," I, p. 50.

[4] This is proved almost to a demonstration in Henry Adams' "Administration of Jefferson and Madison."

definitely abandoned, against the earnest protest of Henry Clay,[1] and many other prominent leaders. Andrew Jackson had, at the time, given his consent to the treaty, as Monroe had represented to him that the cession of Texas was a temporary measure. "Having long known," writes Monroe to Jackson, while the treaty was pending,[2] "the repugnance with which the Eastern portion of our Union . . . have seen its aggrandizement to the West and South, I have been decidedly of the opinion that we ought to be content with Florida for the present. . . ." In reply Jackson declared, "I am clearly of your opinion that, for the present, we ought to be content with the Floridas." [3]

And so Clay's eloquent protests had been lost, his claim "that Congress alone have power to cede territory" [4] had been of no avail, and the Florida treaty had become the law of the land. It had "cut off slave territory beyond the Mississippi, below 36° 30′, all except the diagram in Arkansas, which was soon to become a State," [5] but it had opened Florida, and had therefore been accepted by the slaveholders, under the belief that no better terms could have been secured from Spain. This belief, however, had been soon shattered, in Jackson's mind, by a discovery that Spain had actually offered to grant both Florida and Texas for the sum finally paid for Florida alone.

"In 1829–30, . . ." writes Jackson,[6] "Mr. Irwin [7] . . .

[1] Johnston's "American Political History," Woodburn Ed., II, p. 66.

[2] Monroe to Jackson, May 22, 1820. Text, Benton's "Thirty Years' View," I, p. 15.

[3] Benton, I, p. 16.

[4] "Memoirs of John Quincy Adams," V, p. 53.

[5] Benton, I, p. 18.

[6] Ford MSS., Lenox Library.

[7] Geo. W. Erving, minister at Madrid during the negotiation of the Florida Treaty.

placed in my hands a copy of the correspondence between him and the Spanish minister at Madrid, which showed that he had negotiated a treaty by which Spain recognized the ancient limit of Louisiana, to the Rio Grande, and ceded Florida for the sum paid for it, that he had written to Washington [1] for powers to close this treaty at Madrid; instead . . . he received an order to transfer the negotiation to Washington, where Mr. Adams closed the negotiation confining the Western boundary of Louisiana to the Sabine. I at once knew that Mr. Adams' object was to keep down the growing political ascendency in the South and West." [2]

From the moment that Jackson made this astonishing discovery, he had regarded the treaty of 1819 as void. "The treaty of 1803 (which gave us Texas) . . . remains in force," he declared, "as the supreme law of the land." [3] By it Texas was made a part of the United States. It was "wantonly and corruptly ceded from us . . . we must regain Texas, peaceably if we can, forcibly if we must."

He had then deliberately set on foot a series of events, beginning with Sam Houston's migration to Texas, and

[1] In reply to questions concerning this story of Erving's, as John Quincy Adams declares in his "Diary" (VIII, p. 464), ". . . I said I had no doubt this was one of G. W. Erving's lies, as there was not a greater liar upon earth." Benton, however ("Thirty Years' View," I, p. 16), says that, during the renewed negotiations Mr. Adams used an expression that "Spain had offered more than we accepted, and that she dare not deny it."

[2] Benton's "Thirty Years' View," I, pp. 15, 16, shows that he was dimly conscious of the fact that we had "refused to accept as much as Spain had offered. . . . To prevent the slavery extension question from becoming a test in the presidential election," he says, "was the true reason for giving away Texas, and the true solution of . . . the strange refusal to accept as much as Spain offered."

[3] Ford MSS., Lenox Library.

ending with the battle of San Jacinto, by which Texas was freed from Mexico, and made an independent Republic. But he had done this, not as the champion of slavery and its extension, as we have long been led to believe, but as the champion of what he conceived to be the nation's rights.

The southern States generally advocated annexation for two reasons. They felt that, with the prospect of the speedy admission of two more northern States, a new slave State was needed to help preserve the traditional "balance in the Senate," and they also believed that England was preparing to bring about the abolition of slavery in Texas, if not to secure her own authority over the new Republic.[1] Of this latter danger, Jackson was profoundly convinced; and, had Henry Clay viewed the question from this standpoint, there is little doubt that his position in 1844 would have been consistent with that of 1819. Then, he had been the chief opponent of the treaty which surrendered our claim to Texas. Now he came forward to oppose the re-annexation policy; but the basis of his opposition was the plea that such a course would cause an unnecessary war with Mexico. "We could not . . . incorporate Texas into the Union," he wrote in December, 1843,[2] "without involving the United States in war with Mexico, and, I suppose, nobody would think it wise or proper to engage in war with Mexico for the acquisition of Texas. . . ." In this opinion, Clay strangely misjudged the character of the man who, from his place of retirement at "The Hermitage," was directing the Texas campaign. "We must regain Texas," was Jackson's con-

[1] "Review of the Mexican War," by Chas. F. Porter, pp. 11–12.

[2] Henry Clay to J. J. Crittenden. Coleman's "Crittenden," I. p. 207.

stant declaration, "peaceably if we can, forcibly if we must." [1]

Clay's clearly expressed belief was that there were important questions enough upon which to appeal to the people, in the coming presidential campaign, without dragging in questions of annexation. Therefore, if he, the leader and certain candidate of the Whig party, and Martin Van Buren, who seemed sure to be the democratic standard bearer in the campaign of 1844, should both openly declare against the immediate annexation of Texas, the question would be put aside, and the two parties could contend upon the basis of the questions already before the nation. This appears to have been the idea upon which the two rival leaders acted; for, in April, 1844, just before the meetings of the national conventions of their respective parties, they issued their respective declarations.

That of Clay, dated Raleigh, April 17, 1844, appeared in the columns of the "National Intelligencer." It is known as the "Raleigh letter," [2] and expresses unqualified opposition to the project of annexing Texas, under existing circumstances. At present, it declares, "annexation and war with Mexico are identical," but, "if, without the loss of national character, without the hazard of foreign war, with the general concurrence of the nation, without any danger to the integrity of the Union, and without

[1] This expression is frequently repeated in the Jackson letters, (Ford Collection), in the Lenox Library, chiefly unpublished material.

[2] Text, Colton's "Last Years of Henry Clay," pp. 25–31; Niles, LXVI, pp. 152–153. It was not published until April 27th. Schouler, IV, p. 465. Full discussion, Von Holst's "Constitutional History of the United States," II, pp. 657–663; Schurz's "Clay," II, pp. 244–246. See also letter of Clay to Crittenden, dated Raleigh, April 17, 1844. Coleman's "Crittenden," II, p. 219.

giving an unreasonable price for Texas, the question of annexation were presented, it would appear in quite a different light from that in which, I apprehend, it is now to be regarded." In this letter, one looks in vain for any statement that Clay's opposition to annexation is due to the fact that slave territory will be thereby extended. He lays the emphasis upon the inevitable war which would follow annexation under present conditions.

On the same day, Van Buren published, in the columns of "The Globe," a letter of similar import.[1] Perhaps this was, as some have surmised, merely a strange coincidence, but it has much more the appearance of pre-established harmony,[2] brought about by Clay's expressed desire to keep the troublesome Texas question out of the campaign.

Clay's declaration, together with his oft-expressed aversion to the institution of slavery, and his long service in the cause of gradual emancipation, satisfied the Whigs, and he was nominated by acclamation.[3]

Van Buren's letter, on the other hand, proved his political death warrant, as the Democrats wanted a candidate who would carry out the Jackson program and reannex Texas. Their convention, accordingly, passed him over, and nominated (May 29, 1844) James K. Polk.[4]

[1] Text, Niles, LXVI, pp. 153–157. It is dated Lindenwood, April 20, 1844.

[2] Blaine's "Twenty Years in Congress," I, p. 30. These letters went before the people just when Secretary of State, Calhoun, was presenting to the Senate his annexation treaty. With the treaty, Calhoun presented a dispatch of Lord Aberdeen mentioning the desire of England to procure abolition in every part of the world. The treaty was defeated on June 8, 1844. Schurz's "Clay," II, p. 247, for details, also II, p. 259.

[3] May 1, 1844. Sargent's "Clay," p. 84, gives a graphic picture of the scene of the nomination.

[4] Details of convention, Schurz's "Clay," II, pp. 250–251.

The democratic watchword, "Re-annexation of Texas and Re-occupation of Oregon," was soon having its natural effect, appealing, as it did, to the imperialistic instinct, always dominant in the Anglo-Saxon race. The abolitionists, however, could see in it only a demand for new slave territory, for to them the entire agitation, for the re-annexation of Texas, was a vast proslavery plot which must be thwarted at any cost; and Cassius M. Clay entered into the campaign for his great kinsman, with characteristic energy. He urged all anti-slavery men to support the Whig candidate [1] rather than the other Kentuckian, James G. Birney, whom the "Liberty party" had nominated the previous year,[2] arguing that Henry Clay might be chosen, while Birney could not, and that Clay was "irrevocably bound to oppose the annexation of Texas."

But it was soon evident that Polk, and not Henry Clay, represented the popular position. Even Kentucky, ardent as was her loyalty to Clay, showed signs of backsliding. R. P. Letcher, her Whig Governor, wrote to J. J. Crittenden, ". . . We have our troubles here, and they are not few. The Whig party is in the greatest peril and distraction—no mistake. I am no alarmist, but a close observer of the times. There is a restless state of things in the Whig ranks which amounts almost to delirium. D—— has behaved outrageously, he has offered a resolu-

[1] Cassius M. Clay's "Memoirs," I, p. 93; Henry Wilson's "Rise and Fall of the Slave Power," I, p. 630.

[2] James G. Birney had been nominated at Buffalo, August 30, 1843, as the Liberty party candidate, upon a platform of slavery agitation. Schouler, IV, p. 474. The Liberty party were not in sympathy with the "Abolitionists" of the Garrison type. They asked "nothing except what the Constitution authorizes," and regarded the Constitution "with unabated affection." Schurz's "Clay," II, p. 253.

tion in the Senate nominating General Taylor for the presidency." [1]

For once, the "Great Commoner" found himself upon what appeared to be the weak and timid side. He saw himself misrepresented, and was said to be courting the favor of the abolitionists, a charge which he deeply resented. Cassius M. Clay, whose bitter abolition speeches were attracting wide attention, was quoted as his son,[2] and the statements of the two were often confused in the public mind. He was represented, in the South, as an abolitionist; [3] while his northern enemies abused him as a slaveholder and the tool of the slave power. As his opposition to the immediate annexation of Texas had not been upon the ground of his anti-slavery views, but upon that of political expediency, he, therefore, determined to restate his position and clear himself from the hateful charge of courting the abolitionists.[4] Politically speaking, it was an unwise move; but it was consistent with the character of the man who "would rather be right than be President." Late in July, his restatement appeared: [5]

"Far from having any personal objection to the annex-

[1] R. P. Letcher to J. J. Crittenden, Frankfort. Coleman's "Crittenden," I, p. 220, for text.

[2] He was really only a distant kinsman. Schouler, IV, p. 476.

[3] "Memoirs of Cassius M. Clay," I, pp. 101–102.

[4] Clay to St. F. Miller, Ashland, July 1, 1844. Colton's "Private Correspondence of Henry Clay," pp. 490–491, for text. In this letter he repeals the charge of courting abolitionists. ". . . As to the idea of my courting the abolitionists," he says, "it is perfectly absurd. No man in the United States has been half as much abused by them as I have been."

[5] Dated Ashland, July 27, 1844, addressed to Messrs. Thomas M. Peters and John M. Jackson. Text, Niles, XLVI, p. 439. This was only one of a number of such letters written by Clay about this time. See Schouler, IV, pp. 476–477.

ation of Texas, I should be glad to see it, without dishonor, without war, with the common consent of the Union, and upon just and fair terms. I do not think that the subject of slavery ought to affect the question, one way or the other. Whether Texas be independent, or incorporated in the United States, I do not believe it will prolong or shorten the duration of that institution. It is destined to become extinct . . . by the operation of the inevitable laws of population. It would be unwise to refuse a permanent acquisition, which will exist as long as the globe remains, on account of the temporary institution."

This is not the letter of a political trimmer, such as history has tried to make Henry Clay appear, in connection with this incident, and the same may be said of his more famous "Alabama letters" which appeared about the same time. These are all consistent with the Raleigh letter, in which he had announced his position, just before his nomination, and with his numerous private and less familiar letters of this period, and they accomplished what they had been written to accomplish. They showed that Henry Clay was not an abolitionist and was not fairly entitled to the support of the abolitionists, and the Liberty party press at once held him up to view as a man who cared nothing about the slavery element in the Texas question, which to them was the only element worthy of consideration.

"Your letter on the Texas question," wrote his friend, J. C. Wright, "has given the rascals a new impulse. Liberty-men, Locofocos, and timid Whigs, use the letter as a bug-a-boo to the antiannexation. We defend it as in accordance with what you before said, and I think it

will leave little injurious impression upon the minds of our friends. But the public mind is excited—men are confederated together in appeals to the very worst passions of our nature, and the public mind is feverish and unstable. This will not be more than a nine days' topic of vituperation. With the old issue, we are safe, depend upon it. . . ." [1] But in this opinion, Mr. Wright proved himself a false prophet. The letters, all innocent in themselves, proved fatal to the "Great Commoner's" ambitions. They served, "to make those Whigs drop away from him, who considered annexation as the principal question in this electoral campaign, and who either favored it or unconditionally rejected it because of slavery." [2] His kinsman, Cassius M. Clay, at once wrote to him, explaining that he had all along urged his election upon "the ground of his antislavery views, so often expressed, and his opposition to Texas." I declared, he says, "that, if the interpretations put upon his views in the Raleigh and Alabama letters were the true ones, I should at once return to Kentucky and be silent." [3]

Henry Clay's response, which was intercepted and published, gave his enemies additional opportunity to declare him a double dealer. In it, he requested his kinsman to continue his canvass: but urged, "that you should avoid committing me. . . . At the North I am represented as an ultra supporter of the institution of slavery, while at the South I am described as an abolitionist; when I am neither the one nor the other. As we have the same surname, and are, moreover, related, great use is made

[1] J. C. Wright to Henry Clay, September 5, 1844. Colton's "Private Correspondence of Henry Clay," p. 493.

[2] Von Holst's "Constitutional History of the United States," II, pp. 662–663.

[3] "Memoirs of Cassius M. Clay," I, p. 100.

at the South against me of whatever falls from you. There you are even represented as being my son; hence the necessity of the greatest circumspection. . . . You are watched wherever you go; and every word you publicly express will be tortured and perverted as my own are. . . ." [1]

In this letter, also, there is no evidence of intent to deceive. Having stated his position upon the all pervading topic, Clay asks his kinsman to continue his canvass, but to avoid committing him to a false position before the abolitionists of the country. If any should care to support him, upon these grounds, so much the better, but, he adds, "after all I am afraid that you are too sanguine in supposing that any considerable number of the liberty-men can be induced to support me. . . ." [2]

But, in spite of the consistency of his course, every attempt to convince the North that he had not varied from the position taken in his Raleigh letter, failed. The Polk presses held up to scorn and ridicule what they called Clay's "Six Texas Manifestoes;" [3] and the disastrous effect of his so-called temporizing policy was satirized by one of his own supporters, who afterwards declared that, "the only qualification he should ask of a candidate in future would be that he could neither read nor write." [4]

The result was natural, and reflects no discredit upon the character of Henry Clay. The abolitionists happened to hold the balance of power in the closely contested campaign, and, when they discovered that he de-

[1] Full text, "Cassius M. Clay's Memoirs," I, pp. 101–102.

[2] Ibid.

[3] Several other letters in a compromising vein had followed his intercepted letter to Cassius M. Clay.

[4] Schouler, IV, pp. 477–478.

clined to pose as the champion of their view of the Texas question, they deserted him and voted for their logical choice, James G. Birney, who received over nine times as many votes as he had received in 1840.[1]

"It is pretty well ascertained," wrote Ambrose Spencer, on November 21, 1844,[2] "that had New York given you her vote, you would have been elected. This consideration is very mortifying to us; and yet, I venture to affirm, that in no State of the Union had you warmer, or more vigilant and vigorous supporters. Everything that could be effected by human means was done. . . . The result of our canvass shows what mighty efforts have been made. You received 232,411 votes; Polk received 237,432; Birney, 15,875. What a monstrous poll. You received 6,594 more votes than Harrison did in 1840, when his majority exceeded 13,000. You will perceive that the abolition vote lost you the election, as three fourths of them were firm Whigs, converted into abolitionists."

If it be bad politics to court the support only of those who agree with the position of the candidate, then Henry Clay was guilty of "bad politics" in the campaign of 1844. He alienated the friendly abolitionist vote, by a clear statement of the fact that their cause was not his cause, their view of the Texas question not his view. By this, he lost the election, because there were not Whigs enough left in the party to elect him. Those who did vote for him, however, were his real followers, and forever afterward pointed "with unutterable pride to the fact that we

[1] In 1840 Birney had received only 6,745. In 1844 he received 58,879. Table in Blaine's "Twenty Years in Congress," I, p. 37.

[2] Ambrose Spencer to H. Clay, Albany, N. Y., November 21, 1844. Colton's "Private Correspondence of Henry Clay," pp. 501–502.

cast our votes for the man 'who would rather be right, than be President.' " [1]

Clay, as usual, received the electoral vote of Kentucky, but his popular majority in the State was only nine thousand two hundred and sixty-seven, whereas Harrison, four years before, had received a majority of twenty-five thousand eight hundred and seventy-three.[2] This falling off of his strength was due in no wise to a diminution of Clay's popularity, for he was now as ever the idol of the Kentucky people, but rather to the fact that the Pioneer Commonwealth felt, to the full, the martial strain which ran through the party cry of the Jacksonian Democrats—"Re-annexation of Texas, fifty-four forty or fight." This was a cry which many, even of Clay's staunchest admirers, could not resist; and, in addition, there was a considerable population in Kentucky, inclined, both by training and self-interest, to favor the extension of slavery into new territories. We can realize the strength of the latter motive when we consider that, by competent authority, it had been estimated that, could Texas be obtained and slavery established there, the market price of slaves would be raised fifty per cent—no small consideration to a man owning fifty or a hundred slaves.[3]

The enthusiasm for Henry Clay was not abated by this new defeat. His Ashland home was the Mecca toward which delegations from the Whigs of every section repaired, to present resolutions of unaltered devotion, and undiminished confidence. It was more like worship

[1] P. H. Sylvester and others to H. Clay, Coxsackie, November 27, 1844. Colton's "Private Correspondence of Henry Clay," p. 507.

[2] Collins, I, pp. 45, 50; also II, 370.

[3] Smith's "Political History of Slavery," I, p. 76; Bryant's "Popular History of the United States," IV, p. 363.

than political adherence that was showered upon the defeated statesman. "It is from the gushing out and fullness of our hearts that we say to you that you have been our political idol," said one delegation,[1] "and that we esteem you as highly, and love you as dearly as we ever have done—in defeat more than in victory—we can not say more, how can we say less." [2] Nor did his admirers confine themselves to words of affection. Clay's home was heavily mortgaged, and he was sadly considering the question of parting with it, when, upon calling at the Lexington bank to make a payment, he was informed that money had arrived from different parts of the country, from unknown donors, sufficient to cancel the mortgage and all his outstanding notes. The gift had been so skillfully arranged that it could not be easily declined, and Mr. Clay, after some hesitation, accepted it.[3]

After the defeat of Henry Clay, his kinsman, Cassius M. Clay, redoubled his attacks upon the slaveocracy, encouraged, as he said,[4] by having "seen a vitality in the popular heart in my Northern tour which foreshadowed the downfall of the slave power." He returned to Kentucky, in January, 1845, and issued an address setting forth, in strong terms, the blighting effect which slavery had produced upon that "young and beautiful Commonwealth." [5] He urged his fellow Kentuckians to choose delegates to a convention, for amending the Constitution

[1] P. H. Sylvester and others to Henry Clay. Colton's "Private Correspondence of Henry Clay," p. 506.

[2] About twenty-five pages of Colton's "Collection of Henry Clay's Private Correspondence" (pp. 495–520), are filled with letters, almost every one of which expresses similar views, and in terms often even more fervid.

[3] Carl Schurz's "Henry Clay," II, pp. 268–269.

[4] "Memoirs of Cassius M. Clay," I, p. 105.

[5] Henry Wilson's "Rise and Fall of the Slave Power," I, p. 631.

and destroying slavery, and to continue the attempt until success should be achieved.

After using the political journals until their columns were closed to him, he determined to start a press of his own, devoted to the cause of liberty.[1] Such an undertaking, as he knew, would expose him to the danger of mob-violence, and he deliberately prepared to defend himself in case of attack. He selected for his office a brick building, and lined the outside doors with sheet iron, to prevent their being burned. He purchased two brass four-pounders and placed them, loaded with shot and nails, on a table just opposite a pair of folding-doors, which could be easily opened to give play to his cannon. "This house," he writes,[2] "I furnished with Mexican lances, and a limited number of guns. There were six or eight persons who stood ready to defend me. If defeated they were to escape by a trap-door in the roof; and I had placed a keg of powder, with a match, which I could set off, and blow up the office and all my invaders; and this I should most certainly have done, in case of the last extremity." [3]

Thus barricaded, "The Lion of Whitehall" proceeded to insult his neighbors, relations, friends and enemies by his articles in "The True American." He advocated, not abolition only, but civil and political rights for the slave population; and warned the slaveholders that the abolitionists were becoming quite as reckless as the slaveholders themselves, and might, if provoked too far, display the same bold and aggressive spirit.[4]

[1] "Memoirs," I, p. 106. The paper was called "The True American."

[2] Ibid.

[3] "Memoirs of Cassius M. Clay," I, p. 107.

[4] Henry Wilson's "Rise and Fall of the Slave Power," I, p. 632.

At such a time, any antislavery paper, in Kentucky, however tactfully managed, would have been doomed to failure, and perhaps to violent destruction; but "The True American" was peculiarly hateful to the slaveholders, both because of its bitter tone and because it was the work of a man whom they considered an apostate from his rightful and hereditary creed.

On August 14, 1845, therefore, while confined to his bed by illness, Clay was visited by a committee, who stated that they had been sent by a meeting of a number of respectable citizens of Lexington to request him, "to suspend the publication of his paper, as its further continuance . . . is dangerous to the peace of the community, and to the safety of our homes and families."

Clay's answer was characteristic: "I say, in reply to your assertion that you are a committee appointed by a respectable portion of the community, that it cannot be true. Traitors to the laws and Constitution cannot be deemed respectable by any but assassins, pirates, and highway robbers. . . . I treat them with the burning contempt of a brave heart and a loyal citizen. I deny their power and defy their action. Your advice with regard to my personal safety is worthy of the source whence it emanated, and meets with the same contempt from me which the purposes of your mission excite. Go tell your secret conclave of cowardly assassins that Cassius M. Clay knows his rights and how to defend them." [1]

Four days later,[2] another meeting of the slaveholders of Lexington was held to consider what should be done with

[1] This is taken from Wilson's "Rise and Fall of the Slave Power," I, p. 634, and its accuracy is acknowledged by Clay in his "Memoirs," I, p. 109.

[2] Dixon's "True History of the Missouri Compromise and its Repeal," p. 395.

"The True American." Thomas F. Marshall, the celebrated orator, and a nephew of Chief Justice Marshall, reported an address to the people of Kentucky, stating that a party had arisen at the North which held that slavery was "opposed to religion, morals and law," and that negroes are entitled to their freedom. The aim of this party, it said, is to abolish slavery in America, and Cassius M. Clay is in "full Communion" with them. An abolition paper in a slave State is a nuisance of the most formidable character, and "The True American" is the worst type of such papers.[1] This address having been adopted, a committee of sixty was sent to box up Clay's appliances, and to ship them out of the State.[2]

Meanwhile, President Tyler, in coöperation with Congress, had acted upon the decision which the people had rendered by electing James K. Polk, and had brought Texas into the Union. Polk's inauguration had taken place the next day, and he had found himself confronted with the duty of meeting campaign pledges which might bring the nation into two wars. The "re-occupation of Oregon," if forced with the energy which the recent campaign had led men to believe that it would be, must inevitably have caused war with England; but the negotiations agreeing to compromise the Oregon question by fixing the boundary at 49° instead of 54° 40′ were already so far advanced [3] that anxiety upon this subject was no

[1] Henry Wilson's "Rise and Fall of the Slave Power," I, pp. 634–635.

[2] "Memoirs of Cassius M. Clay," I, pp. 107–109. Clay, upon recovering from his illness, sued the "Revolutionary Committee," but the court declared "The True American" a nuisance under the old English common law. Later, however, upon his return from the Mexican war, he recovered $2,500 damages.

[3] Schurz's "Clay," II, p. 279.

longer felt, by those familiar with the course of events. President Polk's Secretary of State, James Buchanan, continued these negotiations, and, in June of the following year, concluded the treaty of 1846,[1] which peacefully, if not heroically, disposed of the question, and gave us a definite boundary in the Northwest.[2] The gallant cry, "fifty-four forty or fight," had dwindled to the more discreet murmur, "Forty-nine degrees and be thankful."

The "re-annexation of Texas," however, already an accomplished fact, meant that the United States must take up the question of disputed boundaries, and must also face the consequences of having admitted Texas, in the face of a declaration, that Mexico would regard such an act as a just cause of war.

With the justice or injustice of the conflict which soon began, we are not directly concerned: but that it was popular in Kentucky cannot be doubted. Indeed the President's call for volunteers was received with genuine enthusiasm in all sections, except New England. For the Whig leaders, who believed that, as an historical and geographical fact, the Nueces was the real western boundary of Texas, and that the President had committed an act of unjustifiable aggression [3] in sending an army to occupy

[1] It was proclaimed in August, 1846. Text of treaty, Snow's "American Diplomacy," pp. 84–85.

[2] Blaine's "Twenty Years in Congress," I, pp. 50–54; Schouler, IV, p. 514; Wilson, IV, p. 117. Webster joined Calhoun in the opinion that the forty-ninth parallel would be a fair settlement of the old dispute. Rhodes, I, p. 86.

[3] President Polk really desired peace, if peace could be maintained without the sacrifice of our just demands. By which he meant our claim to Texas, the Texas for which Jackson had so long struggled, and which comprehended all that part of the Louisiana Purchase which John Quincy Adams had surrendered to Spain in the Florida Treaty. That Texas, in this sense, extended to the Rio Grande will hardly be questioned, after the investigations of Henry Adams. This was the Texas described in the act of the Texas Congress of December 19,

the country west of that river, enthusiasm was, of course, impossible, but to withhold their support from the Government, when engaged in actual war, would have savored more of treason than of patriotism. And so, while stoutly insisting that the palm branch should be offered instead of the sword, they, for the most part, supported the war measures.[1]

In Kentucky there had been, from the beginning of the re-annexation movement, a strong sentiment of sympathy with Texas; and the knowledge that the military operations had been entrusted to General Zachary Taylor, who had been reared a Kentuckian; [2] and that William O. Butler and Thomas Marshall, both prominent citizens of the State, were to be respectively commissioned Major General, and Brigadier General of Volunteers,[3] added greatly to the enthusiasm for the cause. Upon the announcement that war had been actually declared, therefore, a wave of excitement swept over the State.[4]

1836 (Burgess's "Middle Period," p. 328), and Polk regarded it as his sworn duty to defend every foot of it, until other boundaries should be assigned to Texas either by act of Congress, or by treaty with Mexico.

[1] Lincoln, in his reply to Douglas' Ottawa speech, thus defines the attitude of an old Whig concerning the Mexican war: "I was an old Whig, and whenever the Democratic party tried to get me to vote that the war had been righteously begun by the President, I would not do it. But whenever they asked for any money . . . to pay the soldiers there, . . . I gave the same vote that Judge Douglas did." Raymond's "Life, Public Services and State Papers of Abraham Lincoln," p. 33.

[2] ". . . It would afford me much real pleasure," wrote General Taylor to Henry Clay, "to visit, if not the place of my nativity, where I was reared from infancy to early manhood. . . ." Taylor to Clay, December 28, 1847. Colton's "Private Correspondence of Henry Clay," p. 551.

[3] President Polk announced these appointments on June 29, 1846. "Annals of Kentucky," Collins, I, p. 53.

[4] Henry Wilson's "Rise and Fall of the Slave Power," I, p. 635. Gov-

Governor Owsley did not wait for the announcement of military appointments, or even for the arrival of the official call for the Kentucky quota of troops, but, on May 17,[1] issued a proclamation calling upon Kentuckians of military age "to form themselves into volunteer companies" and report to him. The Louisville legion of nine companies already organized, promptly responded, and were accepted by the Governor. Four days later, the President issued his call to the States, to furnish forty-three thousand five hundred soldiers for service in Mexico, and, before the close of the next week, Governor Owsley announced that the quota of Kentucky (twenty-four hundred men) was complete. The Louisville legion (the First Regiment of Infantry, under Colonel Ormsby) had already started for the front, while the Second Regiment of Infantry,[2] under Colonel Wm. R. McKee, and the First Regiment of Cavalry, under Colonel Humphrey Marshall, were ready for immediate service.[3]

These, together with the company of John S. Williams, were accepted by the War Department. Others were less fortunate, as seventy-five companies were offered beyond the number called for by the President. The difficulty had been, not in raising men but in rejecting them. Twelve thousand Kentuckians stood ready and eager to enlist,

ernor Owsley had promised to make Cassius M. Clay Colonel of a Regiment of Kentucky Volunteers, but was forced, by protests from Clay's proslavery enemies, to recall his promise.

[1] "Annals of Kentucky," Collins, I, p. 53.

[2] Lieutenant Colonel Henry Clay, Jr. Other officers given in "Annals of Kentucky," Collins, I, p. 53.

[3] Cassius M. Clay was enlisted as Captain of the Third Company of Fayette County Volunteers in this Regiment. Other officers, etc., see "Annals of Kentucky," Collins, I, p. 53. See Clay's "Memoirs," p. 118, for characteristic account of how he received his captain's commission.

and the disappointment was great when it became known that most of them must be excluded.[1]

This eagerness for military service, however, did not denote an educational fitness for it, on the part of Kentucky citizens. During the long years of peace, which the country had enjoyed, military habits had gone out of fashion, the custom of serving in the militia had fallen into contempt, and the whole militia system of the State had come to consist of a few half-drilled companies, and a good many wholly undrilled and undisciplined ones. Even among the officers, few had known more arduous military service than marshaling a civic parade or conducting a sham battle. The preliminaries, which had to be gone through before the troops could start for the front, therefore, occupied considerable time, and, as a result, most of the Kentucky volunteers did not reach the front until after the capture of Monterey.[2]

Meanwhile, however, Colonel Humphrey Marshall's First Kentucky Cavalry had been transported to Memphis, Tennessee, by boat. Here they had mounted and begun the dreary overland march by way of Little Rock, Arkansas, to Port Lavaca on the coast of Texas, where commissary stores were collected, and the march across the disputed territory between the Nueces and the Rio Grande was begun. Through this vast, silent wilderness, with an occasional diversion in the shape of a hunting party or a duel,[3] they pushed on towards General Taylor's

[1] "Annals of Kentucky," Collins I, p. 53; Shaler, p. 201.

[2] September 24, 1846. The Louisville Legion, First Kentucky Infantry, had joined General Taylor's army just before the siege of Monterey was begun, but took no conspicuous part in the battle.

[3] At Port Lavaca, Capt. Thos. F. Marshall and Lieut. James S. Jackson had met but without fatal results. "Cassius M. Clay's Memoirs," I, pp. 141 et seq. for details of this and similar encounters.

camp, where they found him, depressed enough, in spite of his recent victory at Monterey. Acting under orders from the War Department, General Scott had sent him a letter [1] declaring, "I shall be obliged to take from you most of the gallant officers and men (regulars and volunteers) whom you have so long and so nobly commanded. I am afraid that I shall . . . reduce you, for the time, to stand on the defensive. . . ."

"Upon our arrival" wrote Cassius M. Clay,[2] General Taylor "invited me to dine with him. At the hour named I entered his tent, expecting to find, at least, plenty of good things, if not great ceremony, as the country was a fruitful one. But I sat down with the plainly dressed hero before his camp-chest, and partook of salt-pork, hard tack, and camp coffee. . . ."

After this dinner, so characteristic of the simplicity of Taylor's military life, Clay, with Major John P. Gaines, and two companies of Colonel Marshall's regiment, was sent forward to Saltillo, to join the command of General William O. Butler, where Clay was chosen to conduct a scouting trip to Encarnaçion. On the third day, they reached their destination, only to find Major Borland, with a scouting party from General Wool's army, already in possession.

As the ranking officer present, Major Borland assumed command of both detachments, and, confident that there was not a Mexican soldier within five hundred miles, "determined to eat, drink and be merry," as Clay indignantly informs us.[3] At dawn the following morning, they

[1] Scott to Taylor, New York, November 25, 1846. Text, Mansfield's "Mexican War," pp. 112–114.

[2] Memoirs," I, p. 142.

[3] "Memoirs of Cassius M. Clay," I, p. 144.

found themselves surrounded by General Minôn with several thousand Mexican cavalry. Surrender, under such conditions, was the only possible course, and, accordingly, on January 23, 1847, one month before the great victory of Buena Vista, Major Gaines, Captain Clay, the thirty Kentucky cavalrymen, and Major Borland with his fifty Arkansas cavalrymen, were made prisoners of war, to be carried to the City of Mexico, and retained in confinement.[1]

"Before many days," says Clay,[2] "we met Santa Anna's army on the plains. . . . When we came to Santa Anna (himself) who was riding with his suite in a carriage drawn by six horses, with postillions, and outriders, in great style, I could but think of Taylor and his tin cups. . . ."

Moving on toward San Luis Potosi, the American prisoners had a good opportunity to observe the habits and tastes of the Mexican general. "He was very fond of cock-fighting," Clay continues, ". . . and . . . had coops . . . suspended on donkeys and mules. . . . These were full of cocks . . . which he fought and ate when wanted. So passed on the general to his defeat at Buena Vista . . ." and, "so we passed on to Mexico."

At this point we must leave our interesting guide, and return to the other Kentuckians in General Taylor's camp. The news of the capture of Clay and his party convinced Taylor that Santa Anna was planning to take advantage of the weakened condition of the "Army of Occupation," to strike a blow at him, before turning to meet the invading hosts which General Scott was prepar-

[1] "Annals of Kentucky," Collins, I, p. 54; Frost's "Pictorial History of the Mexican War," p. 347.

[2] "Memoirs of Cassius M. Clay," I, pp. 146–149.

ing to land at Vera Cruz.[1] His own forces, with the Kentucky mounted volunteers of Colonel Humphrey Marshall's regiment, and Colonel McKee's Second Kentucky Regiment of Infantry, numbered only about seventy-five hundred.[2] Of these, a considerable part must be left to garrison Saltillo and Monterey; and there appeared small hope of accomplishing anything of importance with the force which remained. His chief dependence was upon General Wool's command, some five hundred of whom were regulars;[3] but, in the critical moment, he was to find the Kentucky volunteers fully their equal.

From time to time, disquieting rumors had reached him that Santa Anna had gathered a force of over twenty thousand men at San Luis Potosi, a fortified city, which lay about equally distant from Monterey, Vera Cruz and the City of Mexico, and within striking distance of them all.[4]

Convinced that Santa Anna's plan was to attack him, leaving Vera Cruz to take care of herself, aided, as she was sure to be, by the "Vomito," or yellow fever, Taylor advanced, early in February, to Agua Nueva, a strong position on the road to San Luis.[5]

[1] Lieutenant Ritchie, bearer of dispatches from Scott to Taylor, fully explaining all his plans, had been captured by the Mexicans, and Santa Anna thus had full information upon which to base his decision. Mansfield, p. 117; Kendall's "War Between the United States and Mexico," p. 11.

[2] H. H. Bancroft, "Mexico," V, p. 414.

[3] Table, Mansfield, p. 85; Frost, p. 354. General Taylor's official report says "two squadrons of cavalry and three batteries of light artillery, making no more than 453 men, composed the only force of regular troops," engaged at Buena Vista. Reprint, Smith's "Kentucky," pp. 575–582; Mansfield, pp. 125–143.

[4] "The War Between the United States and Mexico." By Geo. W. Kendall, p. 11.

[5] Mansfield's "Mexican War," p. 120; Kendall's "War Between the United States and Mexico," p. 11.

Here scouts brought definite information that Santa Anna, with an overwhelming force, was advancing toward him. The exact size of the enemy's army could not be determined,[1] but there could be no doubt that it was many times that of his own, which, exclusive of the garrisons at Monterey and Saltillo, numbered only "forty-four hundred and twenty-five men." [2]

With the coolness and deliberation which never deserted him, Taylor selected his battlefield, choosing a strong mountain pass a few miles south of Saltillo, known to the Mexicans as La Angostura, or "the narrows," [3] but now known to the world by the historic name, Buena Vista.

"At this point," says General Taylor's official report, "the road becomes a narrow defile, the valley on its right being rendered quite impracticable for artillery by a succession of deep and impassable gullies, while on the left a succession of rugged ridges and precipitous ravines extends far back towards the mountain which bounds the valley. . . ."

Knowing Santa Anna as he did, Taylor was convinced that the outcome of the engagement must be either a victory for the American army, or a massacre similar to that of the Alamo, though of vastly greater dimensions. His plan, in advancing to Agua Nueva, was that, by a sudden retreat, as the enemy appeared, he might draw them back to the favorable battle ground which he had selected.[4]

[1] "The strength of the Mexican army is stated by Santa Anna, in his summons," says Taylor's official report, "to be twenty thousand, and that estimate is confirmed by all the information since obtained."

[2] Taylor's official report; reprint, Smith's "Kentucky," pp. 575–582.

[3] Bartlett, III, p. 681.

[4] Jenkins' "War between the United States and Mexico," p. 217.

Accordingly, on February 21, thinking the moment for beginning the retreat had arrived, he broke camp, and leisurely retired to Buena Vista, leaving Colonel Yell and the Arkansas cavalry [1] to watch the advancing enemy, and to lure them back into the narrows. At the latter point, he posted Colonel Hardin with the First Illinois Infantry,[2] while the main army was placed a mile and a half in the rear, in order that they might get the benefit of the stimulus which an army gains by an advance movement.[3]

The plan was successful. Santa Anna advancing, early on the morning of February 22, drove back the Arkansas cavalry, who retired to their new position on "the extreme left near the base of the mountain," [4] where Colonel Humphrey Marshall, with his First Kentucky Cavalry, joined him.[5] The Second Kentucky Infantry, was posted at the crest of a ridge on the left and in the rear; while Colonel Jefferson Davis, and his Mississippi riflemen, were among the reserve in the rear.

The scene was thus laid for a scientific reception of the "Napoleon of the West," should he display any of the rashness of his earlier days. But Santa Anna had grown more cautious with advancing years. At eleven o'clock, he sent a summons, demanding the surrender of the American army "at discression." "You are surrounded," he said, "by twenty thousand men and cannot . . . avoid suffering a rout. . . . I wish to save you from a

[1] Jenkins, p. 218.
[2] Furber, p. 459.
[3] Brooks' "Mexican War," p. 205.
[4] Taylor's Official Report.
[5] Ibid.

catastrophe, and for that purpose give you this notice. . . ." [1]

General Taylor's reply was explicit and prompt: " . . . I beg leave to say that I decline acceding to your request. . . ." [2]

Even then the expected attack was not made, as Santa Anna was awaiting the arrival of his rear column.[3] The lesson of San Jacinto had not been lost upon him. The army before him was small, but it was commanded by men trained in the school which had produced Sam Houston, and he felt that caution was eminently necessary, in spite of the vast disparity in numbers.

His first movement was upon the right of the American position, but it was instantly checked by the Second Kentucky Regiment, and a section of artillery which General Taylor detached to meet them.[4]

A similar demonstration, with a similar result, was next attempted against the extreme left of the American army, where Colonel Marshall lay, with the First Kentucky and the Arkansas cavalries, both dismounted.[5]

At three in the afternoon, a shell from the howitzer of Santa Anna, announced what was supposed to be the beginning of a serious assault. It was followed by a terrific fire from thirty-two large Mexican cannon, but General

[1] Document reprinted in Brooks, p. 208.

[2] Document, Brooks, p. 209. General Taylor's messenger was a young Kentuckian, Thomas L. Crittenden, the son of John J. Crittenden. He was admitted, blindfolded, into Santa Anna's presence and asked whether General Taylor was preparing to surrender. His reply was the afterwards famous expression, "General Taylor never surrenders!"

[3] Frost, p. 305; also Taylor's Official Report.

[4] Official Report.

[5] The whole, together with an Indiana rifle brigade, were under command of Colonel Marshall. Taylor's Official Report.

Taylor, observing the inaccuracy of the aim, directed his own batteries to remain silent.

Then a Mexican messenger approached, bearing a flag of truce. He was conducted into the presence of the American commander, who, "was sitting quietly on his white charger, with his legs over the pummel of the saddle, watching the movements of the enemy. . . "[1] The messenger courteously declared, says Major Coffee, that, "he had been sent by his excellency . . . to inquire in the most respectful manner, what he was waiting for," to which he adds, with evident relish, "old Rough and Ready gave the very pertinent reply that 'he was only waiting for General Santa Anna to surrender.' "[2]

The messenger retired to his own lines, and the object of his visit was at once made evident, for the fire of the entire Mexican battery was immediately directed toward the point where the old chief sat, "utterly indifferent to the perils of his situation . . . on his conspicuous white horse, peering through his spy-glass. . . ." To the anxious requests of his officers that he should at least give up his white horse, General Taylor replied that, "the old fellow had missed the fun at Monterey, on account of a sore foot, and he was determined he should have his share this time."[3]

Convinced, at last, that no serious attack would be made before morning, General Taylor retired to make certain of the safety of the men and stores at Saltillo;[4] and, as the darkness descended upon the field of battle, the American troops could hear the noise of shouting

[1] Coffee's narative, "Taylor and his Generals," p. 184.
[2] Ibid., p. 186.
[3] "General Taylor." By the One-legged Sergeant, p. 35.
[4] Official Report.

in the Mexican camp, as Santa Anna used his gift of eloquence to hearten his men for the hard duties of the morrow. Then there was stillness; and then the soft notes of Mexican music floated up through the narrows. Finally all was again quiet, American and Mexican alike slumbering on their arms and dreaming of victory.[1]

At daybreak of the twenty-third, the battle was reopened by an attack upon Colonel Marshall's Kentucky and Arkansas troops on the American left.[2] During the night, the enemy had thrown a body of light troops upon this side of the mountain, "with a view to outflanking us," and these advanced, while a heavy column was moving up the San Luis road "against our center."[3] This latter movement required all the attention of Captain Washington's battery, and the prospect looked serious for the left wing defenders, although "our riflemen, under Colonel Marshall, who had been reinforced by three companies of Second Illinois volunteers, under Major Trail, maintained their ground handsomely against a greatly superior force. . . ."[4] Moreover, the guns of Washington's battery having now checked the central movement, the repelled forces began concentrating on the left, protected, in the changing of position, by the banks of the deep ravines through which they passed, and by "a murderous cross-fire of grape and canister, from a Mexican battery on the left."[5]

"Our . . . line had given way," writes Major Andrew

[1] Brooks, p. 211.

[2] They had been reinforced by three companies of the Second Illinois Volunteers.

[3] Taylor's Official Report; reprint, Mansfield, pp. 128–129.

[4] Taylor's Official Report; Mansfield, p. 129.

[5] Ibid., p. 129.

Jackson Herod,[1] one of Jefferson Davis' Mississippi riflemen, "and a large column of infantry was advancing to get between our line of battle and the city of Saltillo, thus cutting our army into two parts." [2]

At this critical moment, General Taylor arrived upon the field, and perceiving the danger, turned to Colonel Jefferson Davis who stood near, and gave his order, "Check that column." [3] It was an order which Zachary Taylor would have given to but few men, an order to sustain the rush of a small army already in motion and feeling victory in the air, and that with a few hundred volunteer troops. But it was promptly executed, with the assistance of Colonel McKee's Second Kentucky Infantry, which "had previously been ordered from the right to reinforce our left." [4]

Scarcely was this feat accomplished, when "Colonel Davis discovered a brigade of cavalry approaching us almost due south of our position." "Instantly reforming his men," continues Major Herod,[5] "he awaited their approach, having issued orders, 'to fire when the head of their column was not over fifty yards from our line.' . . . We had but two shots at them, before they got out of our range."

[1] Letter from Major Herod, dated Beauvoir, Miss., March 22, 1907. "Evansville Courier," Sunday, April 21, 1907.

[2] "This portion of our line having given way," says General Taylor's Official Report, "and the enemy appearing in overwhelming force against our left flank, the light troops which had rendered such good service on the mountain were compelled to withdraw, which they did, for the most part, in good order." Mansfield, p. 130.

[3] Herod letter, ante; Taylor's Official Report.

[4] Taylor's Official Report. A section of Captain Bragg's artillery also belonged to this reinforcement. Ibid.

[5] Herod letter, ante.

Wounded, but refusing to leave his saddle,[1] Colonel Davis was now called to face a new danger. A large body of Mexican lancers was drawing near from the northeast, threatening the position so long in dispute. Steadying his men for the shock of the first encounter, Davis calmly waited. They had approached, "in columns of regiments, the front regiment mounted upon grey and white ponies, . . . to near seventy yards of us," [2] before they again became clearly visible, so broken was the ground over which they moved. From the opposite direction, meanwhile, reinforcements were advancing to Colonel Davis' relief.[3] Their fire caused the Mexican lancers to swerve sharply to the right, exposing their flanks [4] to the Mississippi riflemen, who now opened upon them. A chain-shot, from the reinforcing column of Americans, completed the process, and the lancers withdrew.[5]

Meanwhile, General Taylor sat, calm and alert, upon his white horse, sweeping the field with his long glasses, and marking the points where reinforcements seemed most needed. Seeing that a large body of the enemy was concentrating on his left, with the evident purpose of making a descent upon the hacienda of Buena Vista, where his train and baggage were deposited, he ordered a reinforcement of cavalry to aid in defending this important position; but, before it could arrive, the enemy had made the attack, and had been "handsomely met by

[1] Herod letter, ante; "Taylor and his Generals," p. 165.

[2] Herod letter, ante.

[3] Colonel Lane's Third Indiana Volunteers, and Lieutenant Kilburn, with a piece of Captain Bragg's artillery. Taylor's Official Report; "Taylor and his Generals," p. 179.

[4] Their left had hitherto been protected by the bank of a great ravine.

[5] Herod letter.

the Kentucky and Arkansas cavalry under Colonels Marshall and Yell." [1] In the shock of this encounter, the Mexican column had been divided. One portion managed to regain the Mexican lines, but the other, sweeping past the American depot at Buena Vista, was cut off and left in perilous isolation,[2] in the rear of the American army. At this point, Santa Anna, by dispatching a messenger to General Taylor, as though requesting a parley, gained a respite of sufficient duration, to enable this imperilled detachment to regain its own lines in safety.[3]

And now came the final scene of the great battle. The firing had almost ceased, and General Taylor had left his position for a moment, when he was recalled by a terrific burst of musketry. Santa Anna had thrown forward his reserve for a last effort. The Illinois and Second Kentucky Infantry, who were in advance, had been suddenly confronted with an overwhelming force,[4] and compelled to retire toward their lines. The Mexicans pressed forward in pursuit, until they came within range of Captain Washington's Battery, whose destructive fire soon forced them to recoil. Hope now deserted them and they rushed from the field, the loss of which had cost them almost two thousand men in killed and wounded.[5]

General Taylor was left in possession of the bloody field, and his army bivouacked under the cold sky, awaiting the renewal of the conflict upon the morrow. But

[1] Taylor's Official Report. Colonel Yell fell mortally wounded, and Adjutant Vaughan of the Kentucky cavalry was also killed. Ibid.

[2] Taylor's Official Report; Frost's "Pictorial History of the Mexican War," p. 377.

[3] Brooks, p. 220; Frost, p. 377; Taylor's Official Report, etc.

[4] Frost's "Pictorial History of Mexico and the War," p. 378.

[5] Mansfield, p. 175.

when morning dawned, they found only a deserted battle ground, strewn with the bodies of five hundred Mexican dead. The "Liberating Army of the North" was in full retreat, and, on March 9, it entered San Luis, having lost from desertion and death, about ten thousand men.[1] With those that remained, Santa Anna hastened to meet the invading army of General Scott and incur new disasters at Cerro Gordo,[2] and along the route to the City of Mexico.

The battle of Buena Vista was the crowning glory of Zachary Taylor's life, and it was the only important battle of the war in which Kentucky troops played a conspicuous and decisive part. Their conduct in this battle, is sympathetically described by General Taylor himself, in a letter written to Henry Clay from the field where his eldest son had fallen.[3]

"HEADQUARTERS, ARMY OF OCCUPATION,
"AGUA NUEVA, MEXICO, March 1, 1847.

"MY DEAR SIR: You will no doubt have received, before this can reach you, the deeply distressing intelligence of the death of your son in the battle of Buena Vista. It is with no wish of intruding upon the sanctuary of parental sorrow, and with no hope of administering any consolation to your wounded heart, that I have taken the liberty of addressing you these few lines; but I have felt it a duty which I owe to the memory of the distinguished dead, to pay a willing tribute to his many excellent qualities, and

[1] H. H. Bancroft's "Mexico," V, p. 433.

[2] Luther Giddings' "Sketches of the Campaign in Northern Mexico," p. 295. The only Kentucky troops engaged in this battle were Capt. John S. Williams' company, which had been rejected under the Kentucky quota, but were specially accepted by the War Department. "Annals of Kentucky," Collins, I, pp. 53, 55.

[3] Text, Sargent's "Henry Clay," p. 102.

while my feelings are still fresh, to express the desolation which his untimely loss and that of other kindred spirits have occasioned.

"I had but a casual acquaintance with your son, until he became for a time a member of my military family, and I can truly say that no one ever won more rapidly upon my regard, or established a more lasting claim to my respect and esteem. Manly and honorable in every impulse, with no feeling but for the honor of the service and of the country, he gave every assurance that in the hour of need I could lean with confidence upon his support. Nor was I disappointed. Under the guidance of himself and the lamented M'Kee, gallantly did the sons of Kentucky, in the thickest of the strife, uphold the honor of the state and the country.

"A grateful people will do justice to the memory of those who fell on that eventful day. But I may be permitted to express the bereavement which I feel in the loss of valued friends. To your son I felt bound by the strongest tie of private regard, and when I miss his familiar face and those of M'Kee and Hardin, I can say with truth that I feel no exultation in our success.

"With the expression of my deepest and most heartfelt sympathies for your irreparable loss, I remain your friend,

"Z. TAYLOR.

"Hon. Henry Clay, New Orleans, La."

With the history of General Scott's triumphant march, from Vera Cruz to the heart of the Mexican capital, we are not particularly concerned, as the Kentucky troops designed for service in "The Army of Invasion" did not reach the front in time to share in the glories of the cam-

paign.[1] The war came to an end with General Scott's army in full possession of the city of Mexico, and the Mexican nation prostrate at our feet.[2]

At the close of the war the question upon every tongue was, "What shall we do with our victory?" By degrees there emerged a widespread desire that, "The banner now floating from the city of Mexico shall never be withdrawn," which desire was clearly expressed in a paragraph which James Buchanan, Secretary of State, prepared for President Polk's opening message to Congress, and which President Polk promptly rejected.[3]

"We must," it declared with suspicious devoutness, "fulfill that destiny which Providence may have in store for both countries." In plain language we must yield to "manifest destiny" and absorb the whole of Mexico.

This desire was by no means confined to the pro-slavery sections, but was national in scope, though most of the Whigs, northern and southern alike, were united in opposition to it; and, in both sections, it was felt that Clay, as the accepted head of the party, should give definite form to the party views.[4] He yielded to the demands of the delegations sent to solicit his aid, and agreed to speak at Lexington, on November 13, 1847.

[1] For details of organization of these troops, see "Annals of Kentucky," Collins, I, p. 55. Captain John S. Williams' Independent Company of Volunteers from Clark County, Kentucky, had joined Scott's army just before the battle of Cerro Gordo, and fought gallantly in that battle. Their leader, upon his return to Kentucky, was generally given the title, "Cerro-Gordo" Williams.

[2] At 7 A. M., on September 14, 1847, the American flag had been raised over the walls of the national palace. Mansfield, p. 303; Scott's Official Report, ibid., 304–320.

[3] "Bourne Essays," p. 232. This rejection met with the approval of but one member of his cabinet.

[4] Smith's "Political History of Slavery," I, p. 89.

Upon the appointed day, a vast audience assembled. Mr. Clay arose, and, referring to the dismal weather,[1] likened it to the "condition of our country in regard to the unnatural war with Mexico, . . ." the consequences of which are "menacing the harmony, if not the existence, of our union."

He declared the war to have been brought on by deceit, and that Congress ought at once to disclaim any wish to gain territory for the purpose of propagating slavery, and should announce exactly the objects of the war, control the President in the prosecution of it, and explicitly disclaim any idea of annexing Mexico. At the close of the speech, his views, embodied in a series of eight resolutions,[2] were submitted to the meeting and enthusiastically adopted.

These resolutions assign the annexation of Texas as the cause of the war, but declare the immediate occasion of it to have been the removal of General Taylor and his army from Corpus Christi to a point opposite Matamoras. This removal, made by order of the President, without the concurrence of Congress, is declared to have been improvident and unconstitutional, and, the resolutions add, it is the right and duty of Congress "to declare by some authentic act, for what purposes and objects the existing war ought to be further prosecuted," and to see that the President continue it for no other purposes or objects. As any purpose of annexing Mexico to the United States, is "wholly incompatible with the genius

[1] Text, "Last Years of Henry Clay," Colton, pp. 60–67. See also Sargent's "Clay" pp. 105 et seq.

[2] Text of the Resolutions, Sargent's "Clay," pp. 107–108; also Colton's "Last Years of Henry Clay," pp. 67–69.

of our government [we] wish only a just and proper fixation of the limits of Texas. . . . [and] positively and emphatically disclaim and disavow any wish or desire . . . to acquire any foreign territory whatever, for the purpose of propagating slavery, or of introducing slaves from the United States, into such foreign territory."

This last section comes very close to the idea which a young Democrat, David Wilmot of Pennsylvania, had recently advocated in Congress.[1] He had urged, as an amendment to a bill, providing money for purchasing territory from Mexico, that all territory which should be acquired from Mexico should be forever consecrated to freedom. If Clay had taken his stand definitely upon this doctrine, he might have made of the Whig party, what the Republican party was soon to become, an organization pledged to prevent the extension of "the peculiar institution,"[2] and might thus have given it permanency: but with what has come to be called "Royal Harry's Luck," Clay missed this golden opportunity, and his party missed a glorious destiny.

His speech and the resolutions, however, struck a sympathetic chord in the hearts of multitudes of American citizens throughout the country. They summed up and set in order the position of a large part of the opposition, and had the effect of influencing the public men of Mexico "in favor of temperate and pacific counsels." [3]

On December 20, 1847, an immense meeting was held at the Tabernacle in New York City, and resolutions were

[1] Details of Wilmot Proviso. Schouler, V, pp. 66–70.

[2] Webster evidently saw this as the wise policy for his party, for, in speaking of the Wilmot Proviso and the Democrats he declared: "It is not their thunder." Schouler, V, p. 68.

[3] Sargent's "Clay," p. 108.

passed,[1] which showed how powerfully Clay's words and resolutions had affected the "Empire State." "The spirit now dominant in the national councils, and rampant throughout the land," these resolutions declare, "not only mocks at gray hairs and tramples on the lessons of experience, but regards with impatience and ill-disguised contempt every appeal to considerations of morality, philanthropy, or religion, in regard to the prosecution or termination of the war. . . .

"In this crisis a voice from the West reaches the ear and fixes the regard of the American people. A venerable patriot, illustrious by forty years of eminent service in the national councils, emerges from his honored seclusion to address words of wise admonition to his fellow citizens. That voice, which never counselled aught to dishonor or injure this Union, is lifted up, probably for the last time, in exposure of the specious pretext on which this war was commenced, in reprehension of its character and objects, and in remonstrance against its further prosecution. At the sound of that impressive voice, the scales of delusion fall from thousands of flashing eyes, the false glitter of the conqueror's glory vanishes, revealing the hideous lineaments of carnage. . . ."

This was precisely what Henry Clay was vainly trying to believe; but the "glitter of the conqueror's glory" was not, in fact, so easily to be disposed of. General Taylor had been brought forward by Kentucky, as the candidate for the Whig nomination,[2] and his military glory was his chief asset. Men, who had been life-long followers of Clay, were now turning their eyes to the "rising star." "I pre-

[1] Text, Colton's "Last Years of Henry Clay," pp. 72–73.
[2] Schurz's "Clay," II, p. 293.

fer Mr. Clay to all men for the Presidency," wrote John J. Crittenden, "but my conviction, my involuntary conviction, is that he cannot be elected." [1]

At first Crittenden's attitude had been regarded by Clay's managers as a political move to gain some advantage for Clay, and it was hardly taken seriously. "Is it possible," wrote J. L. White to Clay, "that the recent movement in Kentucky [has] been made after consultation with you, and approved by you?" [2]

But Clay soon relieved any doubts upon this subject. The Taylor movement in Kentucky was both inexplicable and abhorrent to him. "Why is it," he wrote, "after the long period of time during which I have had the happiness to enjoy the friendship and confidence of that State, what have I done, . . . to lose it?" [3] The reply was not difficult. The Whigs were eager for victory, and, with the hero of Buena Vista at their head, victory seemed certain. It was the "glitter of the conqueror's glory" that had done it all.

Taylor himself, at first, failed to realize his own strength as a political figure. He had spent his life in camp, and had never been called upon even to cast a ballot for the one party or the other; but he had been an ardent admirer of Clay, and thus could qualify as a Whig. The idea of standing as a candidate in place of "The Great Commoner" troubled him. On November 4, 1847, he had written to Clay, describing a recent conversation with

[1] J. J. Crittenden to A. T. Burnley, Washington, January 8, 1848. Coleman's "Crittenden," I, p. 290.

[2] J. L. White to Henry Clay, September, 1847. Coleman's "Crittenden," I, p. 282.

[3] Henry Clay to H. T. Duncan, Washington, February 15, 1848. Text, Colton's "Private Correspondence of Henry Clay," p. 554.

a "mutual friend." [1] "I stated to him specifically that I was ready to stand aside, if you or any other Whig were the choice of the party, and that I sincerely hoped such might be their decision." But, as the movement in his favor spread from Kentucky to the other States, Taylor began to look more seriously upon the question, and, on April 30, 1848, he wrote to Clay again, but in a very different tone:

"The people, called together in primary assemblies in several of the States have nominated me. I therefore now consider myself in the hands of the people." [2] This meant that General Taylor had outlived his earlier modesty and was in the race to win, even against "The Great Commoner" himself.[3]

The Whig National Convention met at Philadelphia, on June 7, 1848, and the first ballot showed that the hero of Buena Vista was the man of the hour. With one hundred and eleven votes against Clay's ninety-seven, and with Scott and Webster at a safe distance behind both, it was generally acknowledged that Taylor controlled the situation. Clay had failed to carry the Ohio delegation,[4] and seven of the twelve Kentucky delegates had sustained Taylor. Upon the second and third ballots, Taylor steadily drew off the Clay delegates, until, on the fourth, he re-

[1] Taylor to Clay, Camp near Monterey, November 4, 1847. Colton's "Private Correspondence of Henry Clay," pp. 548–549.

[2] Taylor to Clay, Baton Rouge, La., April 30, 1848. Colton's "Private Correspondence of Henry Clay," pp. 557–560.

[3] In a letter to James Lynch and others, dated Ashland, September 20, 1848, Clay indignantly declared: "In his letter to the Richmond 'Republican,' of the 20th of April last, he [General Taylor] declared his purpose to remain a candidate, no matter what nomination might be made by the Whig convention."

[4] It supported Scott. Table showing each of the four ballots, etc., Collins, I, p. 57.

ceived one hundred and seventy-one, while Clay's following had dropped to thirty-two. This meant a nomination, and the Whigs throughout the country rallied enthusiastically to the support of "the General who never surrenders."

In Kentucky, the campaign orators added the local touch, speaking of "Old Rough and Ready, forty years a Kentuckian;" and strong pressure was brought to bear upon Henry Clay to induce him to support his successful rival. "I have been much importuned," he wrote [1] ". . . to endorse General Taylor as a good Whig. . . . But how can I do that? Can I say that in his hands Whig measures will be safe and secure, when he refuses to pledge himself to their support . . . when he is presented as a non-party candidate. . . . I lost the nomination . . . by the conduct of the majorities in the delegations from Kentucky . . . and I am called upon to ratify what they did . . . I am asked to sanction and approve the course of the seven delegates from Kentucky who, in violation of the desire of their constituents, voted against me, and virtually to censure and condemn the five who voted for me."

To James Harlan, who alone of the Kentucky delegation had voted for him on the final ballot, Clay wrote: [2] "In November, if I am spared, I shall, with all the lights then before me, go to the polls and vote for that candidate whose election I believe will be least prejudicial to the country. Of course I can never vote for Cass."

With the Democratic nominee, Cass, thus definitely ex-

[1] Clay to a committee of Louisville, Ashland, June 28, 1848. Colton's "Private Correspondence of Henry Clay," p. 566.

[2] Clay to James Harlan, Ashland, June 22, 1848. Colton's "Private Correspondence of Henry Clay," p. 565.

cluded; and the Whig nominee, Taylor, apparently disqualified, as not being a Whig, it is difficult to determine how he decided the question. It is, however, unlikely that he cast his vote for Martin Van Buren, the candidate of the Free Soil party, in spite of the attractiveness of his platform, "Free Soil, Free Speech, Free Labor, and Free Men;" for Mr. Clay always declined to believe that Van Buren possessed the abilities requisite for a successful President.

In the election of November, 1848, General Taylor gained his last victory,[1] and it was also the last that the Whigs, as a national party, were destined to achieve. In the heat of the campaign, Clay had declared, "I fear that the Whig party is dissolved . . . I am compelled most painfully, to believe that the Whig party has been overthrown by a mere personal party, just as much having that character as the Jackson party possessed it twenty years ago." [2] The statement was measurably true: the process of disintegration had set in, the dissolution of the party had begun, and its end was not far off.[3]

Meanwhile the treaty of Guadaloupe Hidalgo had been signed, and peace proclaimed between Mexico and the United States of America.[4] By this treaty, Mexico ceded

[1] Upon the Cass ticket, as candidate for Vice President, the Democrats had placed another well known Kentuckian, General William O. Butler, but his influence was not sufficient seriously to endanger the Whig majorities in Kentucky. Taylor and Fillmore carried the State by a popular majority of 17,524, as against the popular majority of 9,267 which she had given Clay and Frelinghuysen in 1844. Collins, I, pp. 50, 57.

[2] Clay to a committee of Louisville, Ashland, June 8, 1848. Colton's "Private Correspondence of Henry Clay," p. 567.

[3] As soon as the slavery questions began to dominate American politics, the Whig party was powerless, as the southern Whigs were for the protection of slavery and the northern Whigs against it. Schurz's "Clay," II, p. 313.

[4] Text of President's Proclamation of Peace and text of the treaty. Mansfield, pp. 332–347.

to the United States the vast domain, from which have since been formed New Mexico, California, Nevada, Utah, Arizona and parts of Colorado and Wyoming, a territory equal in area to Germany, France and Spain together, greater than the United States in 1783, and almost as large as the Louisiana Purchase.

"This surface," says Mansfield,[1] "makes 630,000 square miles, equal in space to fifteen large States! But will the greater part of this vast space ever be inhabited by any but the restless hunter and the wandering trapper? Two hundred thousand square miles of this territory, in New California, has been trod by the feet of no civilized being. . . . Two hundred thousand square miles more are occupied with broken mountains and dreary wilds. But little remains, then, for civilization. Of that little, however, there is a future value which may not now be counted, in the fine ports and broad coast which look out on the noble Pacific. Beyond that live four hundred millions of the human race. Soon their minds, as well as their commerce and their kingdoms, will be open to the purer and brighter light of Christianity. We shall hurry the men and the produce of our land, in mighty railways to the Pacific! Great cities we shall have there! Nations will come to us, and we shall go to them. And this continent will be the highway for the multitudes of the world, and the glorious light of Christian Progress."

These predictions have been largely fulfilled, but had their author foreseen, with equal clearness, the dark shadow of civil strife which lay between him and the fulfillment of his prophecy, he would have used more sombre colors in the painting of his picture.

[1] "Mexican War," p. 350.

CHAPTER XIV

LAST DAYS OF THE "GREAT COMMONER"

With the transference by Mexico of the territory granted to us in the treaty of Guadaloupe Hidalgo, arose the question as to whether or not slavery should be allowed within its borders. Those who opposed the extension of slavery into this new domain, had what they considered an unanswerable argument upon which to base their contention. As the laws of Mexico provide for freedom within her territory, they said, California and New Mexico are already assured freedom from the institution of slavery. These are conquered regions, and the Laws of Nations provide that "the laws of all conquered countries remain until changed by the conqueror." [1] This is now the law, and will remain the law until the United States explicitly repeals it.

This argument, Calhoun and his pro-slavery followers were prepared to meet. As soon as the territory was ceded to the United States, argued the former, the authority of Mexico ceased, and that of the United States and her Constitution supplanted it. All laws not consistent with that Constitution, therefore, at once became void. The law excluding slavery is contrary to that Constitution, which recognizes slavery; therefore, the Mexican laws are void, and slavery has a right in the new territory.

[1] Rhodes', "United States Since the Compromise of 1850," I, p. 94; Johnston's "American Political History" (Woodburn Ed.), II, pp. 120–121.

Neither Congress, nor the inhabitants of the region, nor the territorial legislatures have power to exclude it.

Acting upon this theory, the United States Senate, still controlled by the pro-slavery interests, proceeded to show how it wished the question handled. The House had passed a bill providing for a territorial government for the Oregon Territory, and prohibiting slavery within it. The Senate, instead of passing this bill, as the House had sent it up, tacked on an amendment providing for the extension of the Missouri Compromise line (36° 30′) to the Pacific Ocean.[1] The establishment of such a line would, of course, have opened to slavery that part of the new territory that was thought to be fitted for slave labor.

This amendment, the House declined to accept, and after considerable dispute, the Senate had to yield, and the Oregon Territory was organized with slavery prohibited.[2]

The question of what should be done in the new territory was thus left undetermined, and, before Congress again took it up, a wonderful change had been wrought by the discovery of gold in California, a change which settled the question of slavery, so far as California was concerned, and settled it in a way unfavorable to the slave-holding interests.

The story of the "Forty-Niners," as they were called, is the story of probably the most remarkable migration and growth of a political community in all history. Early in January, 1848, a mechanic named Marshall, who was engaged in building a sawmill upon the Sacramento River,[3] noticed in the mill stream some yellow deposit

[1] Rhodes, I, p. 96.
[2] Ibid.
[3] H. H. Bancroft's "History of the Pacific States," XVIII, p. 28.

which the water had brought down. He gathered a pouch of it and took it to his Swiss employer, Captain Sutter, who applied such tests as he knew, and satisfied himself that it was gold.[1]

The two men agreed to keep secret the discovery, until they could secure possession of the tract where it had been made; but, in their eagerness to gain possession, the secret leaked out, and, within four months, thousands had entered the region.[2] Some worked at random with pick and shovel. Some washed the river sand, painfully separating the gold dust from the trash, while others crawled into the crevasses of the rocks and picked out gold nuggets,[3] weighing, as Colonel Mason's report states, from one to six ounces. The few towns along the Pacific Coast were depopulated of their male inhabitants, and crowds hastened over the borders from Mexico.

Colonel Mason's report reached the War Department at Washington in December, 1848, and was published with President Polk's indorsement. The American and European presses took it up, and vast crowds made ready to migrate. Capitalists prepared vessels to carry the adventurers around Cape Horn, and wagons for making the trip to California overland; but many, unwilling to wait for spring, made their way to Central America, crossed the Isthmus, and waited for the first Pacific mail steamer which had left New York the previous October. She had started without a passenger for California, but,

[1] Schouler, V, p. 133.

[2] "Arrivals in 1848 have as a rule been overestimated," says H. H. Bancroft, XVIII, p. 71. "News did not reach the outside world in time for people to come from a distance during that year."

[3] H. H. Bancroft's "History of the Pacific States," XVIII, pp. 87, 115, etc.

in January when she reached Panama, she found fifteen hundred waiting to embark,[1] only one-thirtieth of whom could be supplied with staterooms.

As soon as spring came, swarms of gold seekers began the tedious journey overland in wagons, and, in spite of the tremendous difficulties of such an expedition, forty-two thousand made the overland journey in 1849, and thirty-nine thousand reached California by sea.[2] Pestilence and starvation followed in their course, and crimes of all sorts prevailed in the new country, where few laws and no civil government as yet existed.

The growth of population was almost incredible. The town of San Francisco, which in February, 1849, numbered only two thousand, closed the year with a population of ten times that number,[3] and the California region, which, at the beginning of the year 1848, was a thinly settled territory of little importance, had become sufficiently populous by May, 1849, to be eligible for statehood.

Compelled by necessity to establish some sort of government, and inspired by a suggestion from the new President, Taylor,[4] they held a Convention (September–October, 1849), drafted a Constitution prohibiting slavery within the State,[5] and sent a formal petition to Washing-

[1] H. H. Bancroft's "History of the Pacific States," XVIII, pp. 129–130.

[2] Rhodes, I, p. 113; H. H. Bancroft, XVIII, p. 159.

[3] Schouler, V, p. 141.

[4] In April, 1849, Taylor had sent Butler King of Georgia as his messenger to urge the Californians to draft a State constitution, but he gave them no advice about what to do concerning slavery. Von Holst, III, p. 461, and Taylor's Message to the Senate, January 23, 1850. Text Richardson's "Messages and Papers," V, p. 27.

[5] This achievement, Von Holst (III, p. 463) describes as "the most magnificent illustration of the wonderful capacity of this people for self-government."

ton, asking that California be admitted to the Union as a free State.[1]

This petition greatly alarmed the slave States, which at once issued protests against allowing California thus to exclude from her borders the southern immigrant, as they declared the rejection of the "peculiar institution" would do. The northern States responded with spirited declarations in favor of the principle of the Wilmot Proviso, and the South again replied with threats of secession, unless her "rights" in the new region should be respected. It was evident, even to those unskilled in political affairs, that the application of California was likely to precipitate a dangerous crisis.

After his humiliating defeat in the Whig Convention of 1848, Henry Clay had retired from public life, and, but a few months later, had sent to his friend, Richard Pindell, a letter which seems written as a farewell manifesto upon the slavery question.[2] "The principle," he said, "on which it [slavery] is maintained would require that one portion of the white race should be reduced to bondage to serve another portion of the same race, when black subjects of slavery could not be obtained." . . . "In Africa" he added, "where they may entertain as great a preference for their color as we do for ours, they would be justified in reducing the white race to slavery in order to secure the blessings which that state is said to diffuse. . . . Nay, further, if the principle be applicable to races and nations, what is to prevent its being applied to individuals? And

[1] Blaine's "Twenty Years in Congress," I, p. 90.

[2] It does not appear in Colton's Collection; but is quoted in Schurz's "Clay," II, p. 316.

then the wisest man in the world would have the right to make slaves of all the rest of mankind."

It was this bold doctrine, doubtless, which called forth the resolution, [passed unanimously by the Kentucky Legislature, about a month after Clay's letter was written,[1]] which declared: "That we, the Representatives of the people of Kentucky, are opposed to abolition or emancipation of slavery in any form or shape whatsoever, except as now provided for by the Constitution and laws of the State." [2] This was followed, a few days later, by the amendment of the Law of 1833 so as to no longer prohibit persons from purchasing slaves, and bringing them into the State for their own use.[3]

But, in spite of Clay's openly expressed aversion to slavery, and their own equally open support of it, the Kentucky General Assembly demanded his services as Senator from Kentucky,[4] and he accepted the election which had been made, "without any solicitation from me, without my being a candidate, and with the knowledge of a strong disinclination on my part to return to that body." [5] This election was but the expression of a general feeling that he, only, could solve the problems which the new slave complications had presented to the country. Well stricken in years and broken in health though he was, Clay's mind was as alert and his interest in the welfare of his country as active as ever. He felt that the Union was in danger from the set antagonism be-

[1] Passed February 3, 1849. Collins, I, p. 58.

[2] Collins, I, p. 58.

[3] Ibid.

[4] His election occurred on February 1, 1849.

[5] Clay to Thos. B. Stevenson, New Orleans, January 31, 1849. Colton's "Private Correspondence of Henry Clay," p. 584.

tween the friends and the opponents of the extension of slavery, and he had sacrificed his own inclinations to its welfare.[1]

At heart Mr. Clay was in sympathy with the Wilmot Proviso, and he believed it the duty of the South to yield to its principle. Whether they admit it or not, he wrote,[2] "it will nevertheless prevail, and the conflict . . . will either lead to a dissolution of the Union, or deprive it of that harmony which alone can make the Union desirable. It will lead to the formation of a Sectional and Northern party, which will . . . take permanent and exclusive possession of the government."

Such were the thoughts of the "Great Commoner" as he passed eastward to the scene of his last great compromise. He went, not as an irate opponent of the man who occupied the coveted position at the head of a Whig administration, but, as one "endeavoring to throw oil upon the troubled waters."

In the thirty-first Congress, old political divisions were for the moment obliterated. "Up to this time," wrote Clay, on December 4,[3] there is no organization of the House, which is in a very curious state. Neither party has a majority, and divisions exist in each; so that no one can foresee the final issue." Here the old "Triumvirate," Clay, Webster, and Calhoun, met together for the last time, waiting for the question which all saw must come,

[1] "God knows that I have no personal desire to return . . . [to the Senate], nor any private or ambitious purposes to promote by resuming a seat in it," he had written to his faithful friend, James Harlan, dated New Orleans, January 26, 1849. Colton's "Private Correspondence of Henry Clay," p. 583.

[2] Quoted, Schurz's "Clay," II, p. 324. It does not appear among Mr. Clay's published letters.

[3] Clay to his son James, Washington, December 4, 1849. Colton's "Private Correspondence of Henry Clay," p. 590.

"What is to be the compensation to the slave States for giving up their interest in California?"

President Taylor's opening message was cautious.[1] He approached the question of the admission of California as one who knew the dangers lurking behind that proposition. Admit California, he urged, but avoid the discussion of "those exciting topics of sectional character which have hitherto produced painful apprehensions in the public mind." As New Mexico was expected soon to present herself for admission to the Union, he advised that she be left quiet under her existing military government, and not be dragged into the discussions of Congress, until her application for statehood should be made. A few days later, he sent a special message[2] to Congress suggesting that the claims of Texas, to a part of New Mexico, could readily be determined by judicial process, when the question of her admission should come before Congress, but could not be easily disposed of at present.

Taylor was wise[3] in wishing Congress to act upon what was actually before it, and to avoid complicating Congressional action; but it was vain to hope that this topic could be avoided. The whole country was waiting impatiently to see what would be done. The South was prepared to demand adequate compensation for allowing the addition of California to the already superior power of the North, and this must necessarily involve the

[1] First Annual Message, December 4, 1849. Text Richardson's "Messages and Papers," V, pp. 9–24.

[2] January 23, 1850. Text Richardson's "Messages and Papers," V, pp. 26–30; Schouler, V, pp. 162–163, for full analysis of the President's plan.

[3] "General Taylor's object," wrote Governor Crittenden (Coleman's "Crittenden," I, p. 369), "was to avoid and suppress agitation by inaction, and by leaving the slavery question to be settled by the people of the respective territories."

question of what was to be done with the rest of the new territory. "I do not . . . hesitate to avow before this House and the country," cried Toombs, "and in the presence of the living God, that if by your legislation you seek to drive us from the territories of California and New Mexico, purchased by the common blood and treasure of the whole people, and to abolish slavery in this district, . . . I am for disunion." [1]

Clay had worked out an elaborate plan by which he felt certain of permanently settling the question to the satisfaction of both parties. This plan he had carefully explained to Webster [2] who was still deliberating upon it. On January 29, 1850, he presented it to the Senate, introducing it as a plan, "for the peace, concord, and harmony of these States, to settle and adjust amicably all existing questions of controversy between them, arising out of the institution of slavery." [3]

His suggestions were presented in eight articles, providing that:

I. California be admitted with her free Constitution.

II. That, as slavery does not now exist and is not likely to appear in the territory acquired from Mexico, territorial governments should be established there without any restrictions as to slavery.

III. That the disputed boundaries between Texas and New Mexico should be determined.[4]

[1] December 13, 1849. Speech in House, "Congressional Globe," 1st Sess., 31st Cong., p. 28.

[2] Curtis's "Webster," II, pp. 397–398, gives details of the interview, and prints an account of it given by one who was present.

[3] Text Mallory's "Life and Speeches of Henry Clay," I, pp. 602–606, and Colton's "Last Seven Years of Henry Clay," pp. 114–124.

[4] Colton's "Speeches of Henry Clay," II, pp. 482–508, for Clay's views upon this boundary question.

IV. That the debt of Texas, acquired before her annexation, should be assumed by the Federal Government if she will give up her claims upon New Mexico.

V. That slavery in the District of Columbia should not be abolished, unless compensation be given to the owners of slaves, and, unless Maryland and the inhabitants of the District consent.

VI. That the bringing of slaves into the District of Columbia, from States or places beyond its limits, to be sold there, or transported thence to other markets, should be prohibited.

VII. That more effective provision should be made, according to the requirements of the Constitution, for the restitution of slaves escaping from any State into another State or territory.

VIII. That Congress has no power to prohibit or obstruct the trade in slaves between the slave holding States; but that the admission or exclusion of slaves, brought from one into another of them, depends exclusively upon their own particular law.

In introducing these compromise propositions, Clay made a series of comments [1] which showed that he believed that, with the North "this question was an abstraction, while with the people of the South it was a principle involving their property . . . prosperity and peace." [2]

A few days after the introduction of these Compromise Resolutions, Clay was assigned the floor to defend them.[3] It was evident, to all who saw him that morning, that his

[1] The substance is given in Mallory's "Life and Speeches of Henry Clay," II, pp. 601–606. The exact words are not preserved.

[2] Mallory, II, p. 605.

[3] February 5 and 6, 1850. His speech is given in full in Colton's "Last Seven Years of Henry Clay," Appendix, pp. 302–345.

health was failing rapidly. He was so weak that he could not ascend the steps of the Capitol without assistance.[1] He knew that his days were numbered, and came to make his last speech for union and peace.

The galleries of the Senate Chamber were crowded with interested spectators, drawn thither by Clay's great reputation, and the general interest in the subject under consideration.

As he spoke, his physical vigor seemed to return, and, hour after hour, he urged the advantages of his compromise measures. "What do you want who reside in the free States?" he said. "You want that there shall be no slavery introduced into the Territories acquired from Mexico. Well, have you not got it in California already, if admitted as a State? Have you not got it in New Mexico, in all human probability also? . . . You have got what is worth a thousand Wilmot Provisos. You have got nature itself on your side. You have the fact itself on your side. You have the truth staring you in the face that no slavery is existing there. . . ."

When he came to the discussion of his seventh article, which provided for a more stringent Fugitive Slave Law, his remarks were as pleasing to the South as if Calhoun himself had dictated them.

"It is our duty to make the Law more effective," he said; "and I shall go with the Senator . . . who goes farthest in making penal laws and imposing heaviest sanctions for the recovery of fugitive slaves."[2]

[1] See letter of C. Cornell Van Arsdale, written August 2, 1852, to Hon. Theodore Frelinghuysen. Text Colton's "Last Seven Years of Henry Clay," pp. 129–131.

[2] From speech on February 6. Colton's "Last Seven Years of Henry Clay," p. 330.

This statement sounds insincere, when uttered by a man who had recently declared, "no earthly power can ever compel me to vote for the positive introduction of slavery either North or South of the Missouri Compromise" line; [1] but Clay was quite right, and his two statements are entirely harmonious. An effective fugitive slave law was necessary under the Constitution,[2] and the one then in operation was far from effective. It had been enacted by Congress in 1793, and required the help of State officials for the returning of fugitive slaves; but, as the abolition spirit had advanced, there had grown up, in many of the free States, a determination not to obey the Constitution, or the law passed to carry the Constitution into effect. Massachusetts and Pennsylvania had actually passed laws which practically nullified the Fugitive Slave Law within their borders.[3] For a State to refuse to return fugitive slaves was to nullify an act of Congress, and, in effect also, to nullify a clause in the Constitution. This was what led Clay to express himself so strongly in favor of a stringent Fugitive Slave Law, and Webster substantially agreed with this position.

Clay's speech was a master effort of the greatest forensic orator that our country has produced, and he was well within the bounds of modesty when he wrote to his son concerning it. "The speech has produced a powerful and salutary effect in the country and in Congress." [4]

The country next waited to hear from the champion of

[1] Mallory's "Life and Speeches of Henry Clay," II, p. 606; Helper's "Impending Crisis," p. 208.

[2] Cf. Article IV, section II, clause 3, of the Federal Constitution.

[3] Rhodes, I, p. 126.

[4] Washington, March 6, 1850. Colton's "Private Correspondence of Henry Clay," p. 601.

slavery, states' rights and nullification, but disease and infirmity had carried Calhoun beyond the point where public debate was possible. On March 4, 1850,[1] he appeared in the Senate Chamber, "swathed in flannels," and bringing a carefully written document upon the question at issue, his last plea for what he deemed justice to the South. Senator Mason was selected to read it, for Calhoun, like Franklin at the close of the Convention of 1787, dared not undertake the effort of speaking. His last illness had already seized upon him, and, before the end of the month, his sad and lonely life had closed.[2] Upon this last occasion, he sat "like some disembodied spirit reviewing the deeds of the flesh," [3] and heard unmoved his own last appeal for his section and her interests.

Calhoun was unwilling to accept the President's plan or that of Clay.[4] Universal discontent, he said, permeates the slave States. The equilibrium of the States has been broken by unjust encroachments of the Federal Government, by unjust tariff legislation, by the Ordinance of 1787, and the Missouri Compromises, which cut her off from enjoying equal rights in national territory. The cords that bind the States together are snapping one by one. To save the Union, the dominant North must yield to the demands of the slave States. They must grant us equal rights in the acquired territory. They must provide

[1] Schouler, V, p. 166; Von Holst, III, p. 491.

[2] Calhoun died March 31, 1850. "He was firmly, and I suppose honestly persuaded," wrote C. S. Morehead to Crittenden, "that the Union ought to be dissolved." Text of letter, Coleman's "Crittenden," I, pp. 361–364.

[3] Schouler, V, p. 166.

[4] Von Holst, III, pp. 491 et seq., for detailed discussion of Calhoun's general attitude toward the questions then at issue.

for the return of our fugitive slaves. They must cease to agitate the slave question, and they must accept a constitutional amendment,[1] which will restore to the South her old power of self-protection. "If," he concludes, "you of the North will not do this, then let our Southern States separate, and depart in peace."

Two of the triumvirate had spoken, but the third and greatest was still to be heard. Webster was just Calhoun's age, but he was still vigorous in body as well as in mind. He had thought Clay's proposition through, and, on March 7, 1850, he appeared in its defence. The speech which he made upon this occasion, he himself considered the master effort of his eventful life. It ranks as the masterpiece of American oratory, and is the only speech in our history which is known by the day of its delivery, "The Seventh of March Speech." [2] It sweeps majestically along, deep and comprehensive in its scope, expanding, in a striking manner, many ideas which Clay had already brought forward. It aided tremendously the final success of Clay's Compromise, but it brought upon the head of its author the fiercest denunciations of his northern constituency, who saw in it only a bid for southern support for his presidential aspirations. Theodore Parker compared Webster's position upon this occasion to that of Benedict Arnold after the attempted betrayal of West Point. Horace Mann described him as "a fallen star, Lucifer descending from heaven," while the gentle Whittier, in

[1] Calhoun's "Discourse on the Constitution and Government of the United States" (1849), explains in full his ideas as to how to "restore to the South . . . . the power she possessed for protecting herself." One of the ideas there expressed is the creation of two Presidents, one chosen by each section, and each with a veto upon acts of Congress. Von Holst, III, pp. 494–495, for analysis.

[2] Text Webster's Works, 1866 Ed., V, pp. 324 et seq.

"Ichabod," mourns the statesman whose faith and honor have perished.

> "So fallen! so lost! the light withdrawn
> Which once he wore!
> The glory from his gray hairs gone
> Forevermore!"

Of the other memorable speeches, called forth by Clay's propositions, the most important was that of William H. Seward [1] against the Compromise, in which he used the phrase which became a watchword of anti-slavery, "There is a higher Law than the Constitution." [2]

When the debate was over, Clay's compromise, with such other suggestions as had been offered, was referred to an elected committee of thirteen, of which Clay was chairman, and Webster one of the Whig members.[3]

While this committee was doing its work, there was grave uncertainty felt for the future. Chas. S. Morehead wrote to Governor Crittenden: [4] "I do most solemnly believe that disunion will ensue, and that more speedily than any man now has any idea of, if there should be a failure of an amicable settlement. . . . I feel as you do about

[1] March 11. Text Seward's Works, edited by George E. Baker, 1853, I, pp. 51 et seq.

[2] Kentucky, in her Constitution of 1850, also set up a "higher law theory," but of a very different character: "The right of property," it declared, "is before and higher than any constitutional sanction; and the right of the owner of a slave to such slave and its increase is the same and as inviolable as the right of the owner of any property whatsoever." See Johnston's "American Political History" (Woodburn Ed.), II, p. 38.

[3] Clay's plan and a plan of Bell of Tennessee were referred on April 19, 1850. Clay's speech on the reference; Colton's "Speeches of Henry Clay," II, pp. 410–418. See also Rhodes, I, p. 171; Blaine, I, p. 94.

[4] Morehead to Crittenden, Washington, March 30, 1850. Coleman's "Crittenden," I, pp. 361 et seq.

the Union, as I know that Kentucky does, and it must be preserved at the sacrifice of all past party ties."

On May 8th, Clay presented the report of the committee of thirteen, which was substantially the plan of compromise contained in his original resolutions, together with a bill for carrying them into effect.[1] The propositions were, however, differently arranged. First there was the so-called "Omnibus Bill," which contained the substance of Clay's first three propositions. Then there was a bill providing for more stringent laws for compelling the return of fugitive slaves, the substance of Clay's seventh proposition, and finally a bill for excluding the slave market from the District of Columbia, the essence of Clay's sixth proposition.[2]

In two extended speeches,[3] he defended his plan, and answered the more important objections which had been urged against it. Of President Taylor's plan, he expressed open scorn. "I describe it," he said, "by a simile, in a manner which can not be misunderstood. Here are five wounds,—one, two, three, four, five,—bleeding and threatening the well-being, if not the existence of the body politic. What is the plan of the President? Is it to heal all these wounds? No such thing. It is only to heal one of the five, and to leave the other four to bleed more profusely than ever, by the sole admission

[1] Full details of report. Colton's "Last Seven Years of Henry Clay," pp. 161 and 359.

[2] Schouler, V, p. 178. Text, Colton, Reed, McKinley, "Works of Henry Clay," III, pp. 359–362.

[3] May 13 and May 15. (Colton's "Speeches of Henry Clay," II, pp. 426–441, and 458–478, for text.) In the latter speech, Clay compared the plan advocated by the committee, his own plan, with that of the administration. The parallel columns there presented give a condensed view of the two positions.

of California, even if it should produce death itself. . . . He says nothing about the fugitive slave bill, or the District bill; but he recommends that the other two subjects, of territorial government and Texas boundary, remain, and be left untouched, to cure themselves by some law of nature." [1]

General Taylor was, indeed, an unexpectedly strong barrier in the way of the success of Clay's plans. He felt that California had a right to expect prompt admission, with the Constitution which represented the deliberate choice of her citizens, and he had no patience with plans which proposed to make her right an object of bargain between the interests or desires of the opposing sections.[2] But it may be fairly doubted whether even the hostility of the executive could have checked the immediate success of Clay's plans, had not the form of the committee's report worked against it. The "Omnibus Bill," designed to secure the support of all who favored any one of its three separate items, unexpectedly worked out in just the opposite way. It secured the opposition of all who objected to any one of its provisions, and, after two months of debate,[3] it stood stripped, by successive amendments, of all its elements, except the item providing territorial government for Utah; in which denuded condition it finally passed, on August 1.[4]

[1] "I had to attack the plan of the administration, ..." he wrote a few days later, "its course left me no other alternative." Henry Clay to his son James, Washington, May 27, 1850. Colton's "Private Correspondence of Henry Clay," p. 610.

[2] Schurz's "Clay," II, p. 350.

[3] "Life of William H. Seward," American Statesmen Series, pp. 96–97.

[4] Clay, in a speech of that day (Colton's "Speeches of Henry Clay," II, pp. 568 et seq.) laid the blame for its loss upon Pearce of Maryland.

During the last debates on the compromise proposals, some one spoke of "allegiance to the South." Clay's blood rose instantly: "I know no South, no North, no East, no West, to which I owe allegiance." These were not the words of "Harry of the West," perpetual candidate for the highest office in the gift of a nation. They were the words of a patriot, purified by suffering, chastened by many afflictions, a man, as he himself said, "expecting soon to go hence, and owing no responsibility but to my own conscience and to God." [1] Against every reference to secession, southern patriotism, or contempt for his beloved Union, the old man set his face like a flint. His burning sentences remind us of the cry of Andrew Jackson against South Carolina, "Disunion by armed force is treason." "If my own State," he passionately declared, ". . . should raise the standard of disunion . . . I would go against her; I would go against Kentucky . . . much as I love her." [2]

At length, discouraged by the defeat of his compromise plans, which he still believed "would have harmonized . . . all the discordant feelings which prevail," [3] and shattered by age and growing infirmities, Clay left the Capitol in the hope of regaining his health by a visit to Newport.[4]

A few days later he wrote to his son, Thomas, and there is the ring of triumph in his words, "They are passing through the Senate, in separate bills, all the measures of our compromise, and if they should pass the House also,

[1] See Schurz, II, pp. 355–356.

[2] Colton's "Speeches of Henry Clay," II, p. 575.

[3] Ibid., p. 568.

[4] He left Washington on August 2 and returned in about three weeks. Colton's "Speeches of Henry Clay," II, p. 576

I hope they will lead to all the good effects which would have resulted from the adoption of the compromise." [1] All his old eagerness now returned and, a few days later, he was again in his place in the Senate, superintending the process. Before the adjournment of Congress, on September 30, the entire program, which he had advanced seven months before, had been carried into operation.[2]

It was a signal triumph with which to close a great public career, but, had President Taylor lived, it is at least doubtful whether it could have been achieved. The old General, however, had been stricken down in the midst of his opposition, and Clay, with no hypocritical pretense of sorrow, had written to a kinswoman: To-day will "witness the funeral ceremonies of General Taylor. . . . I think the event . . . will favor the passage of the compromise bill." [3]

Clay's relations with the new President, Millard Fillmore, were "perfectly friendly and confidential," [4] and, by a judicious reorganization of the cabinet, under his personal advice, the entire administration was brought into harmony with his compromise plans.[5]

The compromise of 1850, thus accomplished, stilled,

[1] Dated Newport, August 15, 1850. Colton's "Private Correspondence of Henry Clay," p. 612.

[2] Schouler, V, pp, 200, 201. Johnston's "American Political History" (Woodburn Ed.), II, p. 124, gives dates of passage of each item; Collins, I, p. 60.

[3] Henry Clay to Mrs. Thos. H. Clay, Washington, July 13, 1850. Colton's "Private Correspondence of Henry Clay," pp. 610–611.

[4] Henry Clay to his son Thomas, Philadelphia, August 6, 1850. Colton's "Private Correspondence of Henry Clay," p. 611.

[5] Gov. John J. Crittenden of Kentucky was appointed Attorney General, Clay generously overlooking the fact that he had been a strong supporter of General Taylor in 1848.

for the time, the strife of sections, the South being content to rest quiet under its provisions, so long as they should be faithfully executed.[1] But the seeds of more bitter strife lay hidden, and as yet unsuspected, within it. The provisions, that any new States formed from Texas should be left to decide for themselves concerning slavery, and that California should be granted the same privilege,[2] were certainly inconsistent with the principle which had so long stood as the basis of the Missouri Compromise of 1820. This latter principle was that Congress has the power to determine the status of territories with respect to slavery,[3] while that of the compromise of 1850 was clearly the principle of "popular sovereignty." Out of this inconsistency, Senator Stephen A. Douglas, under pressure from Clay's successor in the Senate, Archibald Dixon, of Kentucky,[4] was soon to evolve the theory that the Missouri Compromise had been "superseded by the principles of the legislation of 1850, . . ." [5] and thereby

[1] Schouler, V, p. 203.

[2] The report of the Committee of Thirteen (Text, Colton, Reed, McKinley, "Works of Henry Clay," III, p. 359–362), declared: ". . . the true principle which ought to regulate the action of Congress . . . is to refrain from all legislation on the subject in the Territory acquired . . . leaving it to the people of such Territory . . . to decide for themselves the question of the allowance or prohibition of domestic slavery . . ." The Texas and New Mexico Act (U. S. Stat. at Large, IX, 446 et seq.) expresses the same view, in a slightly modified form.

[3] It was even wider. It was, "the supreme control of Congress over the Territories." Johnston's "American Political History" (Woodburn Ed.), II, p. 120.

[4] Dixon's "True History of the Missouri Compromise and its Repeal," pp. 441, 449; Blaine, I, p. 113; Collins, I, p. 63, for his election; and ibid., p. 66, for contest over securing his seat.

[5] "Congressional Globe," XXVIII, p. 221; Rhodes, I, p. 439. Douglas later accepted an amendment substituting for the words, "suspended by," the words, "inconsistent with." Smith's "Parties and Slavery," p. 103.

rendered inoperative, thus reviving, in the virulent form of Civil War in Kansas, the very struggle, to the soothing of which Clay had devoted his last public efforts.[1] Out of this fatal weakness in Clay's great compromise, therefore, was soon to emerge the Kansas-Nebraska bill, a law, as Sumner later declared, which "annuls all past compromises with slavery, . . . puts freedom and slavery face to face and bids them grapple." [2]

Had Clay been able to see only four years into the future, he would have doubted the wisdom of his last great compromise, even as he now doubted the wisdom of the two earlier compromises, with which his name was so inextricably linked. But this was mercifully spared him, and, as he turned his face westward toward his beloved "Ashland," he felt that he had earned the title which was everywhere accorded him, of "the Great Pacificator."

The progress of the compromise measures had been watched in Kentucky with the keenest interest. Meetings had been held, from time to time, in various parts of the State, to indicate the popular sentiments in favor of them.[3] I suspect, however, that the motive which led to many of these meetings, was a desire to see Clay's seventh proposition, providing for a more effective fugitive slave law, put into operation. The vastly increased activity of the abolitionists, and the lawless actions of some of the more fanatical of them, had led to the escape of considerable

[1] Not the slightest evidence exists, either in the "Omnibus Bill," or in the speeches of its advocates, that the intention was to repeal the Missouri Compromise; but in the Texas bill certainly lay the doctrine of "popular sovereignty."

[2] Rhodes, I, p. 490.

[3] Collins, I, p. 60.

numbers of slaves, whose recovery, under existing conditions, was practically impossible.[1] As the abolition movement had advanced, its agents had sown the seeds of discontent, even in Kentucky, where the mild, domestic character of the institution was calculated to make the slaves happy and contented. With these ardent friends of freedom, it was not a question of the degree of the evils of slavery. They fought for a principle and, wherever that principle was violated, in any degree, they unhesitatingly struck. Law, order, private ownership, the very Constitution itself were disregarded. Even as the revolutionary orator, James Otis, had declared that the British Parliament could not legalize tyranny, so the abolitionists declared that the Federal Constitution could not legalize slavery, as "there is a higher Law than the Constitution." To aid the escape of the slave, to set at defiance the Fugitive Slave Law, and defend the slave when freed, was their program, and they followed it with uncompromising persistency. Slave abductors, sometimes honest in intention, sometimes corrupt and mercenary, were frequently apprehended and punished with severity, but the movement could not be crushed. The excesses of the abolitionists led to their condemnation by both parties, and did irreparable injury to the cause of freedom, but they still remained a force which had to be reckoned with, and it was no wonder that the people of Kentucky felt the importance of enacting more effective fugitive slave laws, and enthusiastically approved Clay's attempts to accomplish this end.

The new Fugitive Slave Law, as finally adopted, was far

[1] For full analysis of the old Fugitive Slave Law: Johnston's "American Political History" (Woodburn Ed.), II, pp. 129–131.

more unjust to the fugitive than that which Clay and his committee of thirteen had contemplated; and it aroused a storm of denunciation, defiance, and practical nullification, among the anti-slavery men, with which even Clay's genius was unable to cope. The clause denying trial by jury, to the alleged fugitive, was denounced as a violation of the Constitution, and even of the sacred Magna Charta itself.[1] Northern Legislatures passed stronger "personal liberty laws" for the express purpose of defying it,[2] and anti-slavery sympathizers boldly refused to perform the duties which it assigned them.

By the opening of Congress, in December, 1850, resistance to the Fugitive Slave Law had begun to assume violent form, and it is pathetic to think of the aged Clay, spending his little residue of life in a vain attempt to check the coming storm. And yet the opening of the year 1851 saw him at his accustomed place in the Senate, urging a defence of the hated law, denouncing "all sorts of abolitionists," and pleading for the principles established by his compromise. But the days of his forensic triumphs had passed forever. His last extended speech, concerning "violations of the Fugitive Slave Law," [3] was interesting, but ineffective, a vain appeal for obedience

[1] It was Kentucky's former governor, John J. Crittenden, to whom, as Attorney General of the United States, President Fillmore had referred the Fugitive Slave Law before giving it his approval. His opinion declared: "There is nothing in the act inconsistent with the Constitution, nor which is not necessary to redeem the pledge which it contains." Text Coleman's "Crittenden," I, p. 377.

[2] List of such laws. Johnston's "American Political History" (Woodburn Ed.), II, pp. 135–136.

[3] Senate, February 21–24, 1851. Colton's "Speeches of Henry Clay," II, pp. 609 et seq. His speech on the River and Harbor Bill (Senate, March 1 and 3, Colton's "Speeches of Henry Clay," II, pp. 629–632) which followed does not concern our narrative.

to a law which did not represent the will of the communities where it was meant to operate.

The month of June, 1851, found him at "Ashland" for the last time. He had visited Cuba, during the early spring, in the hope of freeing himself from a distressing cough which was rapidly sapping his vitality,[1] but the experiment had failed. Even the glittering prize of the Presidency could no longer attract him. In response to suggestions of a nomination, by friends in New York, he issued a positive refusal,[2] although the observations in his letter of refusal show that he had not loosened his grip upon the current of American politics. "I think it quite clear," he wrote, "that a Democrat will be elected unless that result be prevented by divisions in the Democratic party. . . ."

"No candidate, I hope and believe, can be elected who is not in favor of the Union, and in favor of the Compromise of the last Congress (including the Fugitive Slave Bill), as necessary means to sustain it. . . .

"Besides pre-existing questions, a new one will probably arise at the next session of Congress, involving the right of any one of the States of the Union, upon its own separate will and pleasure, to secede from the residue, and become a distinct and independent power. The decision of that momentous question can not but exert some influence, more or less, upon the next Presidential election. For my own part, I utterly deny the existence of any such right, and I think an attempt to exercise it ought to be

[1] Mr. Clay to his wife, Washington, March 8, 1851. Colton's "Private Correspondence of Henry Clay," p. 615, and letter to Adam Beatty, April 28. Ibid.

[2] Clay to Daniel Ullman, Ashland, June 14, 1851. Colton's "Private Correspondence of Henry Clay," pp. 617–620.

resisted to the last extremity; for it is, in part, a question of Union or no Union."

When the time approached for the re-opening of the 32d Congress,[1] Clay started for his post of duty, although his strength was fast failing. The circumstances connected with his final departure from Kentucky, are described by Benjamin F. Penniman in a set of "Reminiscences." [2]

"On a beautiful Sabbath morning, the 16th day of November, 1851, there arrived at the Goddard House in the city of Maysville, Ky., a plain carriage, containing two persons, with a coachman. One of these persons was the feeble and much emaciated Henry Clay, the statesman and Senator of Kentucky. The other was his faithful boy, Charles, his only attendant. . . . The writer was invited to Mr. Clay's room, where . . . we . . . found him lying upon his bed, much prostrated, but very cheerful. The conversation drifted gradually into serious fields, Mr. Clay remarking, 'There are persons in our country who talk about dissolving the Union of the States because it is not exactly suited to their ideas of what they call free government, or in other words, the independent sovereignty of the States. . . . To prevent this, and to hold every State in its place in the Union, is worth fighting for, should it ever be necessary, which may God forbid. The Union of these States is worth more than all the blood that may be shed to preserve them, for here, in America, the first principles of civil and religious liberty were established by our fathers. . . . I shall be gone myself, but I will not doubt that those who come after me will main-

[1] December, 1851.
[2] Durrett MSS., "Clay."

tain the true principles of civil and religious liberty for all time to come. . . .'

"Mr. Clay also said that there were two great questions which were constantly exciting the attention of the American people. . . . Slavery . . . and the great American idea of protecting home industry. . . .

"Of the first he could only say that, being identified with it from his earliest recollections, his circumstances in life had led him to support it; but, as he grew older, and acquired more experience, and had observed that slavery was incompatible with free institutions like ours, his mind on this subject had changed; and he hoped that the discernment of those who believed in and advocated slavery would lead them finally to do away with the institution. . . . This was a question of time, he said, and he regretted that he had advocated the Fugitive Slave Law because the people did not understand it, and it had caused much difficulty.

"The other question was, said Mr. Clay, the part he took in compromising the tariff law, which produced nullification in South Carolina. 'For,' said Mr. Clay, 'if the tariff law was wrong, then it should have been repealed in toto; by my not advocating its repeal at that time, . . . I made a fatal mistake.' As it was, he took the side of a compromise to quiet South Carolina and restore peace to her. But he could not be made to believe that a tariff for this purpose was, at any time, right. After a few general remarks on the American system, Mr. Clay added, 'It is bad enough for individuals to compromise, but nations should never do so, especially in domestic affairs. It settles nothing, but only secures repose for the time being . . .'" (a frank admission for

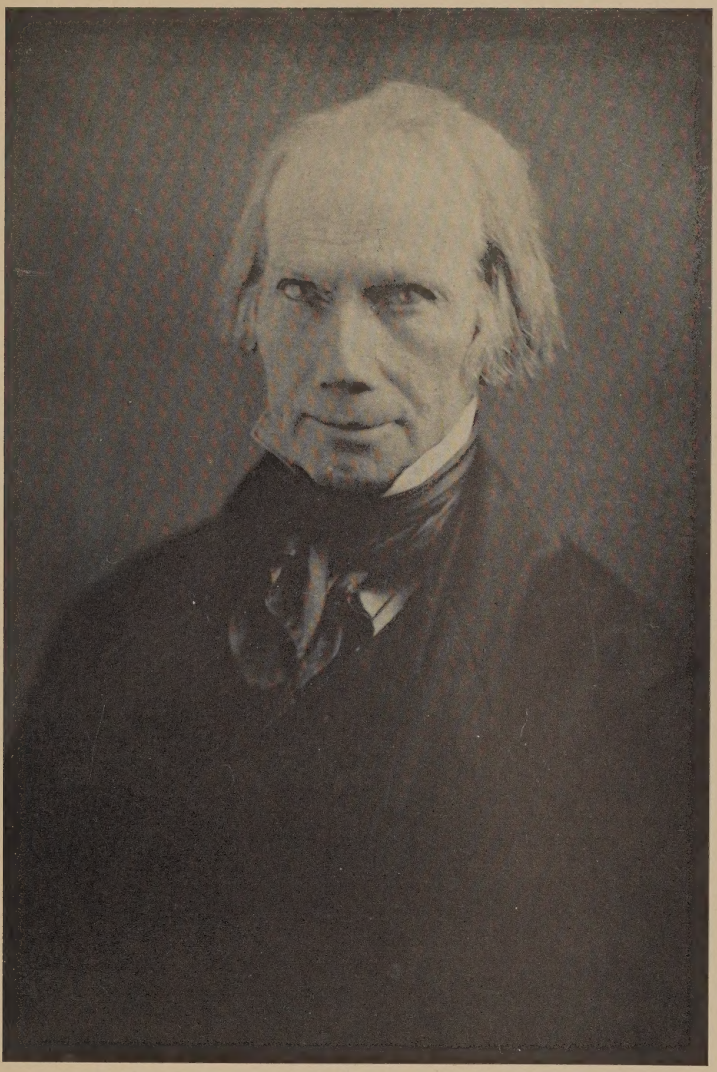
the author of three of the great compromises of our history).

Drifting along with the current of his reflections, Mr. Clay's conversation becomes more and more serious and interesting, until, as if already conceding that his part in the affairs of this world had passed, he turned to the greatest of all questions, his relation to his God.

". . . 'When we were very young,' he said, 'we looked upon time as being very long, and were apt to put off matters of great consequence to us.' Although he had never forgotten the great Author of his being, he perhaps had fallen into this error, growing, perhaps, out of the many attractions and excitements that surrounded him; but now he said he had found that, as time advanced, and he grew older, the attractions of early life grew less, and he had not time enough to attend to those matters which concerned all so much.

" 'Respecting our future life,' he said, . . . 'I hope that I have done some good during the time I have lived, and I trust that the attention I have given of late respecting my future state will entitle me to a happy home in another and better world. There is something within me that tells me of a future state. This frail and failing body of mine tells me that this is not my home, for, while the body fails, the mind grows stronger, and points us to that place where we shall forever rest free from all troubles. God rules; His hand is in everything, and points to that preparation which all should make, not upon the principle that there is time enough, but that it is too short. I leave myself in the hands of God and his promised love, thro' the Redeemer of the World.' " [1]

[1] Soon after receiving the news of the death of his favorite son, Colonel Henry



Henry Clay as an old man

From a daguerreotype, now in the possession of Mrs. Robert Dick Wilson, of Princeton, N. J.

This, so far as we know, was Clay's last conversation in his own commonwealth.

"We placed the great statesman on board the little steamer Alleghany Belle, bound for Wheeling, Va., on his way to Washington, at ten o'clock at night," concludes the narrative. "I asked . . . why he was going to Washington in such bad health. He said he had a 'little to say there,' when he would try to get back to Kentucky again. We all felt that it was the wish of Mr. Clay to close his life with his harness on in Washington."

Just one month later (December 17, 1851), Mr. Clay presented his formal resignation, as Senator for Kentucky, asking that it take effect on the first day of September, 1852;[1] but, before that date arrived, he died, as he had wished to die, at the National Capital (June 29, 1852),[2] "with his harness on."

Clay's magnificent career is most fittingly summed up in the inscription upon a medal of California gold, presented to him, a few months before his death,[3] by the citizens of New York; and few statesmen of any age can show such a list of honorable achievements.

The inscription reads thus:

"Senate, 1806
Speaker, 1811
War of 1812 with Great Britain
Ghent, 1814

Clay, upon the field of Buena Vista, Clay had entered the Episcopal Church, and received the rite of baptism in the presence of his family. Schurz's "Clay," II, p. 287.

[1] Collins, I, p. 63.

[2] Ibid., p. 65. For letters giving details of Clay's last illness: Mallory, pp. 628–636; Colton's "Private Correspondence of Henry Clay," pp. 633–636.

[3] February 10, 1852.

Missouri Compromise, 1821
Spanish America, 1822
Greece, 1823
American System, 1824
Secretary of State, 1825
Panama Instructions, 1826
Tariff Compromise, 1833
Public Domain, 1833–1841
Peace with France Preserved, 1835
Compromise, 1850." [1]

His was a career far too broad to allow of its being claimed as the peculiar property of any locality; but Kentucky may justly rejoice that her soil was the chosen and cherished abode of the "Great Commoner"; and she may justly claim some of the glory of his career, when the attempt is made to estimate her part in the nation's history.

[1] This medal is now in the possession of Mrs. John Clay of Lexington, to whose courtesy the author is indebted for the pleasure of inspecting it, and numerous other relics of the "Great Commoner."

Clay's letter to Daniel Ullman, dated Ashland, September 26, 1851 (Colton's "Private Correspondence of Henry Clay," pp. 620–622), gives Clay's own view of the subjects which ought to be engraved on the medal.

CHAPTER XV

ATCHISON, DIXON AND THE REPEAL OF THE MISSOURI COMPROMISE

THE year following the death of Henry Clay is memorable in our nation's history for the beginning of the now famous Nebraska conflict, which opened the final scene in the drama of American slavery.[1] Clay had gone to his last resting place believing that his compromise measures of 1850 would prove, "the re-union of this Union." "I believe," he had declared,[2] in one of those figures of speech which were so characteristic of him, "that it is the dove of peace, which, taking its aërial flight from the dome of the capitol, carries the glad tidings of assured peace and restored harmony to all the remotest extremities of this distracted land." And, in the closing lines of his great speech on this Compromise, he had said, "If . . . South Carolina or any other State should hoist the flag of disunion and rebellion, thousands, tens of thousands, of Kentuckians would flock to the standard of their Country to dissipate and repress their rebellion. . . ." [3]

There can be little doubt that these words interpreted

[1] The first suggestion of a territorial organization for the Nebraska country was made in the annual report of President Tyler's Secretary of War, William Wilkins. The subject had been occasionally discussed since that date, but did not attract any considerable interest until 1853. Full details of earlier bills, "Ray's Repeal of the Missouri Compromise," pp. 94–100.

[2] Senate, July 22, 1850. "Works of Henry Clay," Colton, Reed, McKinley Ed., VI, p. 563.

[3] Ibid., p. 567.

the spirit of Clay's beloved Commonwealth, with reference to the danger that was seen—but an unseen danger lay concealed in the "Great Compromise" itself.

The Report of the Committee of Thirteen declares: "To avoid in all future time the agitations which must be produced by the conflict of opinion on the slavery question—existing as this institution does, in some of the States, and prohibited in others—the true principle which ought to regulate the action of Congress, in forming territorial governments for each newly acquired domain, is to refrain from all legislation on the subject in the Territory acquired, so long as it retains the territorial form of government, leaving it to the people of such Territory, when they have attained to a condition which entitles them to admission as a State, to decide for themselves the question of the allowance or prohibition of domestic slavery." [1] The meaning of this statement is unmistakable, and it is hard to believe that Mr. Clay had failed to see its bearing upon the principle at the basis of the Missouri Compromise.[2] That Compromise had rested upon the idea of Congressional control over slavery in the national territory, the doctrine known as the doctrine of "Inter-

[1] Text Colton, Reed, McKinley, "Works of Henry Clay," III, p. 360. In this statement, we see the hand of Lewis Cass, father of the doctrine of "Popular Sovereignty," who was a member of the Committee of Thirteen. Curtis' "Republican Party," I, p. 176, for Cass and the theory. Names of members of the Committee of Thirteen, Colton, Reed, McKinley, "Works of Henry Clay," VI, p. 427. Clay himself informs us that he had been, during the deliberations of the committee, "in repeated consultation [with Cass] . . . and he has shown himself to be the friend of the peace of his country." Ibid., III, pp. 381–382.

[2] That Mr. Clay had in mind a comparison between the conditions of 1820 and those of 1850 was shown clearly during the debate which followed the presentation of the "Omnibus Bill." See "Works of Henry Clay," Colton Reed, McKinley Ed., III, p. 381.

vention." But the principle laid down in the report of the Committee of Thirteen is as clearly that of "Non-intervention." The two ideas were certainly inconsistent, and, from that fact, much was hoped for by certain ambitious leaders in Congress.

During recent months, Missouri politics had centered largely around the question naturally suggested by this inconsistency. The Bentonites, followers of Thomas H. Benton, stood firmly in favor of organizing the Nebraska Territory under the provisions and restrictions laid upon it by the Missouri Compromise, that is, with a positive prohibition of slavery. But Benton's sworn enemy and political rival, David R. Atchison, a native Kentuckian, but now a citizen of Missouri and President pro tempore of the United States Senate,[1] had staked his political future upon a plan to have the Missouri Compromise restrictions declared void, so far as the Nebraska Territory was concerned. " . . . The President of the Senate, Mr. Atchison," wrote the Washington correspondent of the "Richmond Enquirer," [2] "is pledged by his speeches before the people of Missouri to move the repeal of the law prohibiting slavery in the territory north of the parallel of 36° 30′." [3]

[1] As President of the Senate, at the death of Vice President Wm. R. King, (April 18, 1853), Atchison had become acting Vice President. Collins, I, p. 66.

[2] Issue of December 26, 1853. See Ray's "Repeal of the Missouri Compromise," p. 198.

[3] The details of the rivalry between Benton and Atchison, the origin of the question of repealing the Missouri Compromise line, and its influence on Missouri politics are well brought out in a recent work by Perley Orman Ray, Ph. D., entitled, "The Repeal of the Missouri Compromise, its Origin and Authorship," Cleveland, Ohio, The Arthur H. Clark Co., 1909. To the author of this excellent monograph, I fully acknowledge my indebtedness in the preparation of this topic.

Stephen A. Douglas, Chairman of the Senate Committee on Territories, had just returned from a six months' visit to Europe. It is practically certain, from a letter written to the editors of the "Illinois State Register," [1] that, a month before the opening of Congress, he had no idea that the Nebraska question was likely to become prominent during the session, and it was, therefore, somewhat in the nature of a surprise to him when, on December 14, 1853, Senator Dodge of Iowa presented to the Senate a bill for the organization of the Nebraska Territory.[2]

The bill carefully avoided all mention of the question of slavery,[3] but intelligent observers saw, from the first, that that question must ultimately be considered in connection with the bill. Only two weeks after it was presented, the Washington correspondent of the "Charleston Courier" declared:[4] "The speeches of Senator Atchison in Missouri pledge him and his constituents mutually to raise a storm here against the slavery restriction when the subject of Nebraska Territory shall come up. That the question is certain to come off I have heard from all quarters."

Upon Stephen A. Douglas, as chairman of the Senate Committee on Territories, fell the lot of considering and reporting upon the Dodge bill. His interest in the question was due largely to his position as chairman of the

[1] Washington, November 11, 1853. Full text given in Ray's "Repeal of the Missouri Compromise," pp. 185–186.

[2] Notice of the bill had been given, by Senator Dodge, on December 5, 1853 ("Congressional Globe," XXVIII, Pt. I, p. 1). A similar bill was presented to the House, December 22, 1853, by J. G. Miller of Missouri ("Congressional Globe," XXVIII, Pt. I, p. 87).

[3] Rhodes, I, p. 425; Curtis' "Republican Party," I, p. 137.

[4] Issue of January 2, 1854. The articles were written on December 28, 1853. Ray's "Repeal of the Missouri Compromise," p. 205, note.

Committee on Territories; but the interest of Senator Atchison was far more personal. He had declared to his constituency, and his pledge was not likely to be forgotten, "That there may be no mistake, and that I may not be misunderstood hereafter, I now say emphatically that I will not vote for any bill that makes Nebraska a free soil Territory." [1] Pledges in terms equally strong had been scattered by him throughout his entire Senatorial district. His most natural course, therefore, would have been, just what he claimed that it had been, to go to Douglas, his intimate personal and political friend,[2] and ask him to transfer to him the chairmanship of the Senate Committee on Territories, to which the Nebraska bill had been referred. This, if we may trust his own statement, was exactly what he did. "He had a private interview with Mr. Douglas," says the "New York Tribune" of October 10, 1854,[3] "and informed him of what he desired, the introduction of a bill for Nebraska like what he had promised to vote for, and that he would like to be chairman of the Committee on Territories in order to introduce such a measure, and, if he could get that position, he would immediately resign as Speaker of the Senate."

Douglas hesitated, but finally declared that if, after twenty-four hours' consideration of the subject, "he could not introduce such a bill . . . he would resign as chairman of the Territorial Committee in Democratic Caucus,

[1] Atchison at Weston and Plate City. Full extract, Ray's "Repeal of the Missouri Compromise," pp. 135–136.

[2] Douglas and Atchison were close personal and political friends. Douglas had often gone to Missouri to lend his powerful aid to the Atchison faction against Benton, for whom Douglas entertained a strong dislike.

[3] Reporting a speech of Senator Atchison, at Atchison, Kansas Territory, September 20, 1854. Text, Ray's "Repeal of the Missouri Compromise," pp. 278–280.

and exert his influence to get him (Atchison) appointed." [1] At the expiration of the twenty-four hours, however, Judge Douglas declared that his resignation was unnecessary, as he had decided himself to report just such a bill as Atchison had described.

In reporting this bill, however,[2] Judge Douglas, as became a good politician, went back to the root of the matter. He declared that a new principle had been discovered in the Compromise of 1850. That Compromise, he said, was intended to be far more comprehensive than it has generally been understood to be, as it contemplated, not merely the settlement of the difficulties arising out of the cession of land from Mexico, but the avoiding of all future agitation concerning slavery, by taking from Congress the entire question of slavery or freedom in the Territories, and giving it over to the people of the Territories to settle.[3]

The bill accompanying this report, however, did not declare, as it might quite logically have done, that this principle in the Compromise of 1850, had destroyed the old Missouri Compromise line. Such a complete acceptation of the logic of events was more than Douglas felt it

[1] From account in "New York Tribune" of October 10, 1854, referred to above.

[2] January 4, 1854, "Congressional Globe," XXVIII, Pt. I, p. 115; "Senate Journal," 1st Sess., 33d Cong., p. 77; Curtis' "Republican Party," I, p. 137.

[3] Blaine, I, p. 114. Text, Dixon's "True History of the Missouri Compromise and its Repeal," p. 433. "The Missouri Compromise," said Douglas, during the debates upon the Kansas-Nebraska bill, "was interference; the Compromise of 1850 was non-interference, leaving the people to exercise their rights under the Constitution. The Committee on Territories was compelled to act on this subject. I, as chairman, was bound to meet the question. I chose the responsibility, regardless of consequences personal to myself." Appendix, "Congressional Globe," XXIX, p. 337.

wise to advocate. He was anxious to win the favor [1] of the pro-slavery sections, by showing them that they might still have a fighting chance for Nebraska, which the Missouri Compromise had declared forever free from slavery, but he did not care to enrage his antislavery supporters, who were certain to regard any open attack upon the "Sacred Compact," [2] as an unfriendly act. The bill stated simply that:

" . . . It is hereby declared to be the true intent and meaning of this act, so far as the question of slavery is concerned, to carry into practical operation the following propositions and principles established by the compromise measures of 1850, to wit: . . . that all questions pertaining to slavery in the Territories and the new States to be formed therefrom, are to be left to the decision of the people residing therein, through their appropriate representatives. . . ." [3]

This was applying the doctrine, long known as, "Popular Sovereignty" to the Territory in question, but it was not definite enough to satisfy the junior Senator from Kentucky, Archibald Dixon. He saw the deep fal-

[1] Rhodes, I, p. 430.

[2] Douglas himself refused to recognize the act preparatory to the admission of Missouri as a compact. "I should feel a flush of shame upon my cheek, as a northern man," he declared (March 3, 1854), in debate with Seward before the Senate, "if I were to say that it was a compact. . . . I deny that it was a compact in any sense of the term. . . . To call the act of the 6th of March, 1820, a compact, binding in honor, is to charge the northern States of this Union with an act of perfidy. . . ." The reason he assigns for which opinion is, that: ". . . Missouri was refused admission into the Union as a slave-holding State in conformity with the act of March 6, 1820. . . ." Missouri was admitted into the Union, he justly adds, ". . . on a condition not embraced in the act of 1820, and in addition to a full compliance with all the provisions of said act. . . ." Appendix, "Congressional Globe," XXIX, pp. 329–330.

[3] "Congressional Globe," XXVIII, Pt. I, p. 222.

lacy of the proposition, that new States might come into the Union, "with or without slavery as their Constitutions may prescribe at the time of their admission," [1] which was the true import of the doctrine of "Popular Sovereignty." It was plain to him that slavery could hope for little from this doctrine in regions where, under the provisions of the Missouri Compromise, "not a slaveholder could enter the Territory with his property until after the Constitution of the State had been made." [2]

Without a specific repeal of that Compromise, all territory north of 36° 30′ was certain to choose freedom, when it came to form the State Constitution, because it would inevitably have been settled by a non-slaveholding population.

With these facts clearly in mind, Dixon, a Whig and Henry Clay's successor in the United States Senate,[3] undertook to secure the passage of an amendment to the pending bill, which would explicitly abolish the Missouri Compromise restrictions.

On January 16, 1854, he rose and gave notice to the Senate, that he would later offer an amendment to the Dodge-Douglas bill, declaring the Missouri Compromise repealed.[4] Douglas was startled at the announcement.

[1] Dixon's "True History of the Missouri Compromise and its Repeal," p. 440.

[2] Ibid.

[3] Dixon's seat had been secured only after a heated controversy in the Senate. Details of the contest, Taft's "Senate Election Cases, 1789–1885," pp. 13–15.

[4] Facsimile of Dixon's proposed amendment, Dixon's "True History of the Missouri Compromise and its Repeal," pp. 441–442; text, "Congressional Globe," XXVIII, Pt. I, p. 175. Montgomery Blair, in a letter to Gideon Wells, dated May 17, 1873, declared that Seward had once boasted to him, "that he was the man who put 'Archy' Dixon, the Whig Senator from Kentucky in 1854, up to moving the repeal of the Missouri Compromise, as an amendment to Douglas' first Kansas [Nebraska] bill, and had himself forced the repeal by that movement, and had thus brought to life the Republican party. . . ."

"He immediately came to my seat," writes Dixon,[1] "and courteously remonstrated against my amendment, suggesting that the bill which had been introduced was almost in the words of the territorial acts for the organization of Utah and New Mexico; that they being a part of the Compromise Measures of 1850, he had hoped that I, as a known and zealous friend of the wise and patriotic adjustment which had then taken place, would not be inclined to do anything to call that adjustment in question or weaken it before the country."

Dixon replied that his friendship for the Compromise Measures of 1850 was the very thing that had prompted his action.

"I was well satisfied," he declared, "that the Missouri restriction, if not expressly repealed, would continue to operate in the Territories to which it had been applied, thus negativing the great and salutary principle of non-intervention which constituted the most prominent and essential feature of the plan of settlement of 1850." [2]

The day after announcing the nature of his intended amendment to the Douglas bill, Senator Dixon remained at home; but he was not left alone.

The story came to Dixon's ears and he wrote, to the editor of the "St. Louis Republican," November 14, 1873, an elaborate letter, denying it. "To this statement of Mr. Seward, as put forth by Mr. Blair," he says, "I make a positive and unqualified denial . . . there never was any conversation between Mr. Seward and myself, respecting my amendment to the Kansas-Nebraska bill, previous to the offering that amendment. . . . Neither did he use or attempt to use any influence, direct or indirect, to induce me to offer the said amendment." The full text of this and other letters bearing on the question are given in Dixon's "True History of the Missouri Compromise and its Repeal," pp. 587–610.

[1] Archibald Dixon to Hon. H. S. Foote. Quoted, Dixon's "True History of the Missouri Compromise and its Repeal," pp. 445 et seq.

[2] Archibald Dixon to H. S. Foote, ante.

"Our parlor," wrote Mrs. Dixon,[1] "was crowded all day with visitors; members of Congress, Whigs and Democrats; all congratulatory, all expressing a delighted surprise." It began to look as if the political capital, which Douglas had expected to gain in the South by his Nebraska bill, was drifting into the hands of this Whig Senator from Kentucky, who had gone a step farther than he himself had ventured to go.

News of this enthusiasm was carried to Judge Douglas, who came the next afternoon to investigate the situation, and to sound Dixon as to the steadfastness of his determination to bring in his amendment. He "urged me to . . . take a ride with him in his carriage," writes Dixon.[2] "I accepted his invitation and rode out with him."

The conversation must have been animated, to judge from the brief accounts which we have of it. "Upon Mr. Dixon's return," writes his wife,[3] "he told me of the conversation . . . of the arguments he used, and that finally Judge Douglas had said of the repeal—'By G—d, sir, you are right, and I will incorporate it in my bill, though I know it will raise a hell of a storm.' "

Dixon himself, in a well-known letter to Hon. H. S. Foote,[4] gives more details of Douglas' conversation upon this important occasion: "I have become perfectly satisfied," he said, "that it is my duty, as a fair-minded national statesman, to coöperate with you as proposed in securing

[1] "True History of the Missouri Compromise and its Repeal," p. 444.

[2] Ibid.

[3] "True History of the Missouri Compromise and its Repeal," p. 445.

[4] Text, Dixon's "True History of the Missouri Compromise and its Repeal," pp. 445 et seq. Dixon allowed Douglas to take charge of his amendment, writes Mrs. Dixon, because he knew that, "if the northern Democracy would give it their support, with the aid of the South, it was bound to succeed."

the Repeal of the Missouri Compromise restriction. . . . I shall be assailed by demagogues and fanatics . . . without stint or moderation. Every opprobrious epithet will be applied to me. I shall be, probably, hung in effigy in many places. It is more than probable that I may become permanently odious among those whose friendship and esteem I have heretofore possessed. This proceeding may end my political career. But, acting under the sense of duty which animates me, I am prepared to make the sacrifice. I will do it. . . ."

Having carefully prepared the substitute, and having secured President Pierce and the able Secretary of War, Jefferson Davis, as certain supporters,[1] Judge Douglas, on January 23, 1854, laid his substitute bill before the Senate. It declared explicitly that, " . . . The eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6, 1820, which was superseded by the principles of the legislation of 1850, commonly called the Compromise Measures, . . . is declared inoperative. . . ." [2]

At once the anti-slavery hosts prepared for battle. Maine, Massachusetts, Rhode Island, New York and Wisconsin issued vigorous protests against the crime of re-

[1] In a letter to Mrs. Dixon, printed in full in the "True History of the Missouri Compromise and its Repeal," pp. 457–460, Jefferson Davis gives the details of the interview by which these supporters were secured. Jefferson Davis, though a native of Kentucky, had been taken to Mississippi by his parents in early infancy. His career, as a national figure, is therefore associated with Mississippi.

[2] "Congressional Globe," XXVIII, Pt. I, p. 222. In a speech before the Senate, February 3, 1854 ("Congressional Globe," XXIX, p. 135), Chase declared, ". . . of the various mutations which it [the Douglas bill] has undergone, I can hardly be mistaken in attributing the last to the amendment of the Senator from Kentucky."

pealing the "Sacred Compromise of 1820." [1] But Douglas stood his ground, and, knowing that the Senate, with its present composition, would pass his bill, managed his defense with a view to influencing the action of the House, and winning the support of the American public.

Douglas, in those days, before his encounter with Abraham Lincoln, was the acknowledged master of the country, in the line of public debate, and, in the support of the Kansas-Nebraska bill, his powers were displayed to the best advantage.

The aim of this measure, he told the Senate, and through the medium of the eager press, the House and the public, is, "that Congress shall neither legislate slavery into nor out of the Territories; neither to introduce nor exclude it; but to remove whatever obstacles Congress had put there, and apply the doctrine of Congressional non-intervention, in accordance with the principles of the Compromise of 1850. . . ." [2]

This statement of the case was soon found to be more

[1] The most important protest against the Douglas program was the so-called "Appeal of the Independent Democrats," a document signed by Chase, Sumner, Giddings, Wade, Gerritt Smith, and Alex. De Witt, and published the day after Douglas' new bill was presented. Text, "Congressional Globe," XXVIII, Pt. I, p. 281.

[2] "Congressional Globe," XXVIII, pp. 239–240; Rhodes, I, p. 471. "The Mississippian," of December 30, 1853, remarks: "It is well known that the South acquiesced in the Compromise measures of 1850 . . . on the construction placed upon it by its champions, that the settlement established the principle that the people of a Territory should hereafter decide for themselves when they came to be admitted as a State whether or not slavery should exist within its bounds. . . . The question of organizing the Territory of Nebraska brings the matter to a test. . . . And now the question arises, will she [the North] require the enforcement of the law of 1820, or will she stand by the settlement of 1850?" See Ray's "Repeal of the Missouri Compromise," pp. 190–191. The Albany "Argus," of December 14, 1853, states, even more definitely, the inconsistency of the two laws. Ibid., p. 194.

acceptable to certain opponents of the measure than that contained in the bill itself. Douglas, accordingly, agreed to alter the form of his bill, and submitted a new phrasing of its vital sentence. The bill, as thus altered, declared that the Missouri Compromise "Act . . . being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of 1850 . . . is hereby declared inoperative and void; it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States." [1]

The debate continued until the early morning hours of March 4, 1854. The vote was then taken, the yeas and nays being recorded. Thirty-seven Senators answered yea, as their names were called, the nays numbering only fourteen.[2] It was five minutes past five o'clock in the morning, when the Senate adjourned, after a session of seventeen hours. Though most of its members little suspected it, they had given life to a measure which was destined to transform the political conditions of the nation, readjust the political parties of the Republic, and set the stage for the dramatic entrance of the greatest of all Kentucky's sons, "the rail-splitter" Abraham Lincoln.[3]

[1] This amendment was adopted February 15, 1854 (vote 35 to 10). "Congressional Globe," XXVIII, Pt. I, p. 353; "Senate Journal," 1st Sess., 33d Cong., p. 188, for text and vote.

[2] "Congressional Globe," XXVIII, Pt. I, p. 532, for yeas and nays. The act is officially entitled, "An act to organize the Territories of Nebraska and Kansas."

[3] Abraham Lincoln was born in Hardin County, Kentucky, in a district now

The vast importance of this Kansas-Nebraska bill was dimly appreciated, however, by some of the leaders of the Senate. As Chase and Sumner left the capitol, wearied with their vain efforts to defeat it, they heard the roar of guns, fired in honor of the passage of the bill. Sumner paused to listen. He then remarked to his companion:

"They celebrate a present victory, but the echoes they awake, will never cease until slavery itself shall perish." [1]

The bill was promptly sent to the House, where, amid a hurricane of invective against Stephen A. Douglas, it was finally passed, by a majority of thirteen.[2] On May 30th, President Pierce affixed his signature, and the Kansas-Nebraska bill became a law.

Thus Clay's "Dove of Peace" proved rather a firebrand, to set the nation ablaze. Amid the fervent heat which it generated, the Whig party melted away, old political affiliations were rudely shaken, and the cry went forth for all, who opposed the principle of extension of slavery, to organize, irrespective of former party lines. The result was the rapid building up of the Republican party,

included in Larue County. At the age of seven, he was taken by his father to Spencer County, Indiana. In 1830 he made his first entrance into Illinois, a tall youth of twenty-one, barefoot and driving a yoke of oxen, which drew a rough wagon, in which were deposited all the earthly goods of the Lincoln family. His national career is properly associated with Illinois, which he always regarded as "home."

[1] Rhodes, I, p. 476.

[2] May 22, 1854, vote 113 to 100. "Congressional Globe," XXVIII, Pt. II, p. 1254. Slight alterations made necessary a reconsideration by the Senate. Douglas reintroduced the bill, declaring, ". . . It presents no new issue, no new question, and I therefore ask that the Senate may proceed to vote upon it." "Congressional Globe," XXVIII, Pt. II, p. 1300. On May 25, 1854, it again passed the Senate, vote 35 to 13. "Congressional Globe," XXVIII, Pt. II, p. 1321.

with one object in view, to restrict the institution of slavery to the States where it already existed.

The history of the growth of that party does not belong to our story. By 1856, it was strong enough to hold a national convention, and nominate candidates for President and Vice President, but its strength was confined to the non-slaveholding States. In the slave States, it was felt to be a dangerous menace to the right of private property, and so found few supporters.

In Kentucky, at the November election of 1856, the race was between James Buchanan and John C. Breckinridge, the candidates of the old Democracy, and Millard Fillmore and Andrew J. Donelson, the nominees of the new, Native American party. The two tickets divided the vote, Buchanan receiving a bare majority of six thousand one hundred and eighteen votes,[1] due largely to the personal popularity of John C. Breckinridge, and the pride with which his fellow Kentuckians regarded his brilliant career. The Kentucky vote for the Republican candidates, John C. Fremont and William L. Dayton, was negligible, only three hundred and fourteen within the entire State.[2]

James Buchanan was chosen President, upon the basis of the Kansas-Nebraska bill, and by a majority which left no room for doubt as to the popular verdict upon the principles laid down in that memorable piece of legislation.

With the history of the earlier years of his administration, we are not here concerned. It was marked by the gradual melting away of the Know-nothing party, and the rapid growth of the "new party," called Republican,

[1] Collins, I, p. 77.
[2] Louisville "Courier," August 13, 1857.

which labored, and labored successfully, to gather into its ranks all men, of whatever political creed, who had opposed the Kansas-Nebraska bill, or who were willing to give their political influence toward preventing the further extension of the institution of slavery.

By November, 1860,[1] the Republican party had grown into a consolidated and powerful organization. A split in the ranks of the Democracy gave it its opportunity, and Abraham Lincoln was chosen President.

Of the four national tickets which figured in that contest, three stood definitely for Union, Bell and Everett, Douglas and Johnson, Lincoln and Hamlin. A vote for any one of these was, in effect, a vote to sustain union, as opposed to the distinctly anti-union position of the Breckinridge-Lane ticket. By adding together their popular vote in Kentucky, therefore, we can easily determine the strength of the Union sentiment in that State, at the time of Lincoln's election. It amounted to over forty thousand Union majority, out of a total vote of a little less than a hundred and fifty thousand.[2]

The strong support given by Kentucky to the so-called "Constitutional-Unionist party" of Bell and Everett, in

[1] It was in this year that the so-called "Opposition" party in Kentucky took the more definite name, "Union Party," while the Democratic party was commonly spoken of as the "Southern Rights Party." Speed's "Union Cause in Kentucky," pp. 2, 18.

[2]

Bell and Everett	66,016
Douglas and Johnson	25,644
Lincoln and Hamlin	1,366
Total	93,026
Breckinridge and Lane	52,836
	40,190

—Collins, I, p. 84.

this election, is the more significant, when we remember that, in the State elections of the previous year, the Democrats had chosen the Governor, Beriah Magoffin, by a majority of almost nine thousand, and the Lieutenant Governor, Linn Boyd, by a still larger majority.[1] It meant that Kentucky, still democratic at heart, placed loyalty to the Union far higher than mere party loyalty. It meant that, upon the very threshold of secession and civil war, the people of Kentucky were overwhelmingly in favor of preserving the Union of States, of "redressing the wrongs of the South" within the Union, and not outside of it. It meant that Kentucky's sympathies were with John J. Crittenden, John Bell, Edward Everett, and the rest of the men who had declared, as their platform, that the Constitution and the Union were the matters of greatest concern, and had intimated a willingness to compromise all other questions—not the wisest position, as we see it now, perhaps, but a position capable of rational defence from the point of view of men to whom the volume of our civil war history was not yet open.

[1] Election of August 1, 1859. For Governor: Magoffin (Democrat), 76,187, Joshua F. Bell (Opposition), 67,283—majority, 8,904. For Lieutenant Governor: Linn Boyd (Democrat), 75,320; Alfred Allen (Opposition), 67,607—majority, 11,713. Figures, etc., Collins, I, p. 81.

CHAPTER XVI

LOYAL TO THE UNION

Upon the assembling of Congress for its final session, on December 3, 1860, President Buchanan found himself in a very unpleasant situation. He knew that secession projects were forming in most of the slave States, and that South Carolina had arranged for the assembling of a "Sovereignty Convention" which meant secession; but his opening message [1] displayed none of the vigor and decision which these facts demanded. Instead of taking a bold stand upon one or the other side of the issue, he gravely straddled the question, declaring, in one breath, that secession was illegal and, in the next, that the Federal Government had no power to prevent it.

This message served to urge on the secession movement, by holding up to view the fancied impotency of the Federal Government, and was, therefore, bitterly attacked. Kentucky's venerable Senator, John J. Crittenden,[2] however, warmly praised its peaceful tone, while dissenting from certain features of it. His plea was for a judicial attitude at this critical point of our nation's history. "The Union," he declared, "is worthy of great sacrifices and great concessions. . . . I trust there is not a Senator here who is not willing to yield and to compromise much,

[1] December 3, 1860. Text, Richardson's "Messages and Papers," V, pp. 626 et seq. See also Curtis' "Buchanan," II, pp. 337–350.

[2] Crittenden had been elected Senator, January 10, 1854, to succeed Archibald Dixon, whose term expired March 4, 1855. Collins, I, p. 69.

in order to preserve the Government and the Union. . . . Calm consideration is demanded of us. . . . I will waive any remarks I might have been disposed to make on the message. I do not agree that there is no power in the President to preserve the Union. . . . To say that no State has a right to secede, and that it is a wrong to the Union, and yet that the Union has no right to interpose any obstacles to its secession, seems to me to be altogether contradictory." [1]

A few days later, Crittenden gave a more important expression to this spirit of compromise, in a speech before the United States Senate. Like Clay, in the days of the California discussions, he had thought out and formulated a series of resolutions which, he believed, would reconcile the sections, restore the already shattered Union, and settle permanently the chief questions which had grown out of slavery.[2] Obtaining the floor on December 18, he briefly explained his plan. "I have endeavored by these resolutions to meet all these questions and causes of discontent by amendments to the Constitution of the United States, so that the settlement, if we can happily agree on any, may be permanent, and leave no cause for future controversy. These resolutions propose, then, in the first place, in substance, the restoration of the Missouri Compromise, extending the line throughout the Territories of the United States to the eastern border of California, recognizing slavery in all the territory south of that line, and prohibiting slavery in all the territory north of it; with a proviso, however, that when any Territories, north

[1] In Senate, December 4, 1860. Coleman's "Crittenden," II, pp. 220–222, for full text. Collins, I, p. 84, gives the false impression that Crittenden defended the whole of Buchanan's strange doctrine.

[2] Curtis' "Republican Party," I, p. 376.

or south, are formed into States, they shall then be at liberty to exclude or admit slavery as they please, and that, in the one case or the other, it shall be no objection to their admission into the Union.

". . . I propose, sir, also, that the Constitution shall be so amended as to declare that Congress shall have no power to abolish slavery in the District of Columbia so long as slavery exists in the States of Maryland and Virgina; and that they shall have no power to abolish slavery in any of the places under their special jurisdiction within the Southern States.

"These are the constitutional amendments which I propose . . . . There are other propositions in relation to grievances, and in relation to controversies, which I suppose are within the jurisdiction of Congress, and may be removed by the action of Congress. I propose, in regard to legislative action, that the fugitive slave law, as it is commonly called, shall be declared by the Senate to be a constitutional act, in strict pursuance of the Constitution. I propose to declare that it has been decided by the Supreme Court of the United States to be constitutional, and that the Southern States are entitled to a faithful and complete execution of that law, and that no amendment shall be made hereafter to it which will impair its efficiency. . . .

"I have further provided, . . . that the amendments to the Constitution which I here propose, and certain other provisions of the Constitution itself, shall be unalterable, thereby forming a permanent and unchangeable basis for peace and tranquillity among the people."

After a careful explanation of these proposed compromise measures, Mr. Crittenden turned to the section of the

Senate Chamber occupied by the Southern Senators, "Can you ask more than this?" he said, "Are you bent on revolution, bent on disunion? God forbid it. I cannot believe that such madness possesses the American people. This gives reasonable satisfaction. I can speak with confidence only of my own State. Old Kentucky will be satisfied with it, and she will stand by the Union and die by the Union if this satisfaction be given." [1]

Earlier in the session, the other Senator from Kentucky, Lazarus W. Powell, had moved the creation of a committee (afterwards known as the Senate Committee of Thirteen), to concert measures of compromise and pacification. When it was appointed, both Powell and Crittenden were members,[2] and, early in their meeting, the latter laid his Compromise Resolutions before it. Most of the Democratic members saw in them a chance of successful adjustment of the pressing sectional differences; but the Republican members, naturally enough, considered them as yielding too much to the South, and they were rejected.

The attitude of the American people toward these proposals has been recently set forth by the historian, James Ford Rhodes, who declares,[3] " . . . No doubt can now

[1] Coleman's "Crittenden," II, Chap. XIII, for speech, correspondence, etc., and full text of the Compromise Resolutions. Collins, I, p. 85.

[2] List of members, Nicolay-Hay, "Lincoln," II, p. 414; Curtis' "Republican Party," I, p. 376.

[3] "History of the United States," III, p. 261. The "Cincinnati Enquirer," of July 3, 1861, declares, "The whole South, save South Carolina, would have accepted Crittenden's Compromise. . . . It is written down in stern and inexorable history that the Republicans in Congress would not accept these propositions." For an opposite view, see Blaine's "Twenty Years in Congress," I, pp. 261–267. In support of this statement Mr. Rhodes presents almost three pages of references, statistics, opinions, etc. (III, pp. 261–263, footnotes). Some of Buchanan's friends attempted to persuade Lincoln to approve Crittenden's compromise proposals. His reply was, "I am for no

exist, and but little could have existed in January, 1861, that if it [Crittenden's compromise plan], had been submitted to the people it would have carried the Northern States by a great majority; that it would have obtained the vote of almost every man in the border States; and that it would have received the preponderating voice of all the cotton States but South Carolina."

Such speculations, however, are but the vain cries of what might have been. Crittenden's plan was not submitted to the people, [1] and the progress of events toward secession was rapid and uninterrupted.

About the middle of November, Major Robert Anderson, a native Kentuckian, serving in the regular army, had been ordered to leave his post in Kentucky and assume command of the United States forces in Charleston harbor, with headquarters at Fort Moultrie.[2] It was an appointment of grave importance, as it was felt that Charleston harbor would become the storm center, as soon as the South Carolina Convention should assemble.

On December 17, 1860, that Convention met at Columbia, and, three days later, passed, with solemn formalities, the now famous Ordinance of Secession,[3] announcing the dissolution of "the Union between the State of South Carolina and other States united with her under the compact entitled, 'The Constitution of the United

compromise, which asserts or permits the extension of the institution in soil owned by the nation. . . ." Schouler, V, pp. 505–506.

[1] A test vote was taken in the Senate upon Crittenden's proposals and resulted in their defeat. Schouler, V, p. 506.

[2] Robert Anderson was born, near Louisville, Ky., June 14, 1805. Sketch of life, Collins, I, pp. 218–220. See also Ibid., p. 84.

[3] Text, Curtis' "Republican Party," I, pp. 367 et seq. The convention had left Columbia on the first day of the session, as smallpox was prevailing there, and had reassembled (December 18) at Charleston.

States of America.' " A commission was then sent to Washington to open negotiations for the division of public property, and the surrender of the Federal forts in Charleston harbor.[1]

In the meantime, Major Anderson had studied the situation, and had decided that Fort Moultrie was dangerously exposed and, in the event of a conflict, would be untenable by the small force under his command. Accordingly, on December 27, 1861, he burned the inside of the fort, spiked her guns, and quietly transferred her garrison to Fort Sumter, a strong position, upon a small island, in the mouth of the harbor.[2]

News of this sudden and unauthorized movement was at once conveyed to the Secretary of War, John B. Floyd of Virginia, a man who, by his later confession, was using his high office in the interest of the cause of disunion.[3] Professing indignation at Anderson's unmilitary conduct, but really angry at the fact that Anderson's movement had strengthened the Government's position in Charleston harbor, Floyd sent him the following dispatch:

"Intelligence has reached here this morning that you have abandoned Fort Moultrie, spiked your guns, burned the carriages, and gone to Fort Sumter. It is not believed, because there is no order for any such movement. Explain the meaning of this report." [4]

The answer was promptly returned, laconic and explicit: "I abandoned Fort Moultrie, because I was certain if attacked my men must have been sacrificed, and the

[1] Schouler, V, p. 476.
[2] Collins, I, p. 85; Rhodes, III, p. 216.
[3] Curtis' "Buchanan," II, p. 306.
[4] "Official Records," Series I, Vol. I, p. 3.

command of the harbor lost. . . . If attacked the garrison would never have surrendered without a fight." [1]

To this no adequate reply was possible. Anderson had exercised the military discretion which is necessary to every command; but the South Carolina commissioners, now at Washington, called upon the President, and demanded an express disavowal of Major Anderson's action, as a condition of opening the negotiations for which they had been sent.[2] To this extreme, Buchanan declined to go, and the Commissioners retired, without having secured even so much as an official interview with the President.[3]

The breaking up of the Cabinet, and the retirement of the southern leaders, who had acted as his advisers, now brought Buchanan under the influence of the union men who succeeded to their places.[4] But, in spite of these changes, he made but one feeble attempt to reinforce Anderson, and, this being prevented by the Charleston authorities,[5] he entered, with certain southern leaders, into a sort of truce, by which he agreed to make no further attempt to reinforce the forts, situated within the limits or harbors of the seceded States, upon condition that the seceders should not attempt to reduce them, during the remainder of his administration.[6]

Meanwhile the fate of Crittenden's compromise propo-

[1] Text, "Official Records," Series I, Vol. I, p. 3.

[2] Schouler, V, p. 479.

[3] The only interview was expressly stated by Buchanan to be with private gentlemen and not with representatives of South Carolina. Rhodes, III, p. 226.

[4] Curtis' "Republican Party," I, p. 375, for list of changes. Floyd, Secretary of War, was succeeded by Joseph Holt, of Kentucky, who served from January 18, 1861, to the end of the administration.

[5] Rhodes, III, pp. 244–248; Collins, I, p. 85.

[6] Schouler, V, p. 487.

sitions was causing great excitement in Kentucky, where it was felt to be little short of a crime, at such a time, to allow a peaceful solution of the country's difficulties to be buried in a committee of the Senate, without even the courtesy of a public debate. A large majority of her citizens, while firmly believing in the abstract right of secession, were ardently devoted to the Union. "Their loyalty," says General Hodge, himself an old Confederate officer, "was nearly akin to the religious faith which is born in childhood, which never falters during the excitements of the longest life, and which at last enables the cradle to triumph over the grave. The mass of them did not reason about it. The Union was apotheosized. . . . The suggestion of its dissolution was esteemed akin to blasphemy, to advocate or to speculate about it was to be infamous." [1] But they had been trained in the school of Henry Clay, and his faith in the efficacy of compromise had become almost instinctive with them. His mantle of political leadership had fallen upon John J. Crittenden,[2] in whose compromise proposals, they saw again the spirit of their "Great Commoner."

As the question of loyalty to the Union had now be-

[1] "Outline History of Kentucky," Collins, I, p. 335. Few Kentuckians, of whatever political creed, will venture to disagree with this statement. Most of those who passed through the civil war period will heartily agree to the statement, recently made by Mr. Justice Harlan of the United States Supreme Court, ". . . I confidently assert that there was no moment during the war, when a decided majority of the people [of Kentucky] were not unalterably opposed to a dissolution of the Union, under all circumstances, and whatever might be the result as to the institution of slavery. . . ." Letter to the author, dated Pointe au Pic, Province of Quebec, Canada, July —, 1909.

[2] Clay himself had intended to transfer the leadership of his Kentucky Whig following to the brilliant young statesman, Richard H. Menefee; but his plan had been frustrated by the untimely death of his political protégé, in 1841, at the age of 31 years.

come the dominant question, in view of South Carolina's action, old party differences were swept aside, and the Bell and Douglas parties in Kentucky became, in effect, one political organization. Its purpose was to preserve the Union; and, in Crittenden's proposals, most of its members saw a peaceful means of accomplishing this end. On January 8, 1861, a convention of the consolidated party[1] assembled at Louisville, to utter a protest against their defeat. By unanimous consent, they adopted and circulated a series of resolutions declaring:

"We recommend the adoption of the propositions of our distinguished Senator, John J. Crittenden, as a fair and honorable adjustment of the difficulties which divide and distract the people of our beloved country. . . . We recommend to the Legislature of the State, to put the amendments of Senator Crittenden in form, and submit them to the other States. . . ."[2] This protest, made in the name of over ninety thousand Kentuckians, was unheeded;[3] and, a week later, the United States Senate disposed of Crittenden's propositions by adopting, as a substitute, a resolution declaring, "That the provisions of the Constitution are ample for the preservation of the Union . . . that it needs to be obeyed rather than amended. . . ."[4]

[1] Collins, I, p. 338; Speed's "Union Cause in Kentucky," p. 35.

[2] Full text, Collins, I, pp. 85–86.

[3] A glance at the table of Kentucky's vote in the presidential election of 1860 will show that a party composed of a combination of Bell and Douglas parties represented a large majority of the State. In that election, the combined strength of Bell and Douglas was 91,660 votes. That of the other two parties combined only 54,202. Figures, Collins, I, p. 84.

[4] This amendment was proposed by Mr. Powell, Senator from Kentucky. It passed the Senate on January 16, 1861, by a vote of 29 to 24. Yeas and nays,

Upon the day following the passage of this resolution, the Kentucky Legislature met, in special session. The governor's opening message (January 17, 1861), showed unmistakable signs of sympathy with the secession movement, and was evidently designed to bring the Legislature to a decided stand against the idea of using force to prevent a complete dissolution of the Union. Its tone indicates the very natural belief, on the part of the governor, that a Legislature, which had chosen John C. Breckinridge to the United States Senate,[1] would not hesitate to advocate the principles for which his party stood, although the people of the State, in their vote for President, had positively rejected them.

"The special purpose for which the Legislature has been called into extra session," the message declared, "is that you may consider the propriety of providing for the election of delegates to a [Sovereignty] Convention, to be assembled at an early day, to which shall be referred for full and final determination the future of Federal and interstate relations of Kentucky. . . . This Commonwealth, will not be an indifferent observer of the force policy . . . the seceding States have not, in their hasty and inconsiderate action, our approval, but their cause is our right, and they have our sympathies. The people of Kentucky will never stand with arms folded while those States are struggling for their constitutional rights, and resisting oppression, or being subjugated to an anti-slavery government. . . . The idea of coercion, when applied to great political communities, is revolting to a free people, contrary to the

together with text of amendment, "Congressional Globe, 2d Sess., 36th Cong., Pt. I, p. 404.

[1] Election of December 12, 1859. Vote, see Collins, I, p. 81.

spirit of our institutions, and, if successful, would endanger the liberties of the people." [1]

The message further urges the Legislature to provide arms and military equipment for the State Guard, and to take an open and decided stand against, "the employment of force in any form against the seceding States."

Such a message, at so critical a moment, alarmed the Unionist leaders in the Legislature. A Sovereignty Convention, at a time of such intense excitement,[2] might mean for Kentucky also, "hasty and inconsiderate action." Their wisest course, therefore, was to prevent, if possible, the calling of a convention, and thus keep Kentucky in the Union, until the people, in the State elections of the following August, should have a chance to select new men to represent them in the Legislature. From the votes which had already been taken in the State, since the question of union, as against secession, had become the dominant issue, they judged that the next Legislature would be strongly unionist.[3] As at present constituted, the Senate contained a small majority of Union men, while the House was about equally divided; [4] but the Unionist leaders, while believing in the ultimate loyalty of

[1] Extracts from governor's message, Speed's "Union Cause in Kentucky," p. 27.

[2] Three States had already followed the example of South Carolina, and passed ordinances of secession: Mississippi (January 9, 1861), Florida (January 10), Alabama (January 11). Georgia was just ready to follow them, and did so a few days later (January 19).

[3] This belief was correct. In the elections of August 5, 1861, seventy-six Unionist members were elected to the House, and only twenty-four States' rights men. The new Senate, including those whose seats were not involved in the election, contained twenty-seven Unionists and eleven States' rights men. Figures, Collins, I, p. 92.

[4] Speed's "Union Cause in Kentucky," p. 39.

the mass of Kentucky voters, feared the contagion of enthusiasm which was sweeping State after State into the secession movement.

The Unionists in the House gained their first victory in the passage of a resolution, directing the sergeant-at-arms, "to hoist the American flag over the capitol during the present session." [1] But, upon the next important question, they were completely overwhelmed. On January 21, George W. Ewing, of Logan County, proposed two resolutions of a dangerously menacing character.[2] The first, which was passed by unanimous consent, expressed strong disapproval of the recent action of the States of New York, Ohio, Maine and Massachusetts, in sending men and money to the President of the United States, "to be used in coercing certain sovereign States of the South into obedience to the Federal Government." The second, which was passed by a vote of eighty-seven to six, requested the governor, "to inform the executives of each of said States that it is the opinion of this general assembly, that whenever the authorities of these States shall send armed forces to the South for the purpose indicated . . . the people of Kentucky, uniting with their brethren of the South, will as one man resist such invasion of the soil of the South at all hazards and to the last extremity."

These resolutions were drawn in the form of a joint resolution, and the Unionist leaders in the Senate proceeded to secure their defeat, by vigorously pressing other and less dangerous questions upon the attention of the State Senators. The Virginia Legislature had recently passed a

[1] Collins, I, p. 86.
[2] Text, Ibid.

resolution inviting the co-States to a Peace Conference, to be held at the national capitol, on February the fourth.[1] In the invitation which had been sent to Kentucky, it was stated that, in the attempt "to adjust the present unhappy controversies," Crittenden's plan of compromise would be accepted by Virginia.[2]

Disregarding, therefore, the "joint resolution" which the House proposed, the Unionist leaders in the Senate vigorously urged the importance of promptly accepting Virginia's peaceful proposals, and of appointing commissioners to represent Kentucky in the projected Peace Conference. By unanimous consent of the Senate, and by almost unanimous consent of the House,[3] six Kentucky delegates were appointed, and the sum of five hundred dollars each was appropriated for their use.

Twenty other States took similar action, and, on the appointed day, one hundred and thirty-three commissioners assembled at Washington, only to find that it is vain to cry "peace! peace! when there is no peace." There was no real harmony among the various delegations; and the report, which was adopted and sent to Congress, after three weeks of discussion, represented merely a majority, the most important section, that relating to slavery in the Territories, having been passed by a majority of only one, the vote being by States. In spite of the injunction to secrecy, this fact soon became known, and therefore, when Crittenden presented the report to the United States Senate, on

[1] This was the day fixed by the seceded States for the assembling at Montgomery of a convention to form a new confederacy.

[2] Text, "Congressional Globe," 2d Sess., 36 Cong., p. 601.

[3] House eighty-one for, five against electing delegates. Names of Kentucky delegates, Collins, I, pp. 86, 341, and Crittenden's "Debates and Proceedings of the Peace Convention of 1861," p. 19.

March 2, 1861, it received scant support, only six, besides himself, voting in its favor.[1]

In the Kentucky Legislature, meanwhile, the Unionists had steadily and successfully pursued their fight against taking definite action concerning the question of secession. No Sovereignty Convention had been provided for, and no resolutions of a partisan character had been passed. On the contrary, R. T. Jacob had introduced into the lower House [2] a resolution declaring, "That the proper position of Kentucky is that of a mediator between the sections, and that as an umpire she should remain firm and impartial in this day of trial to our beloved country, that by her counsels and mediation she may aid in restoring peace and harmony and brotherly love throughout the land."

In this resolution we have embodied the sentiment which was gradually forming itself in the minds of the most prominent citizens of the State, with the exception of the few who had definitely committed themselves to the idea of secession. It expressed the spirit of compromise which Kentucky had shown in her support of the Bell-Everett ticket in 1860, in her enthusiasm for Crittenden's proposals, and in her participation in the Peace Conference. It suggested that Kentucky definitely assume a position of friendship toward both belligerents, and, through it, work for the restoration of peace. This was the stand later advocated by the Kentucky Unionists, that is, by a majority of the citizens of the State, but as yet the Unionist leaders were unwilling to assume even this position, and the resolutions had not been brought to a vote.

[1] Details of vote, "Congressional Globe," 2d Sess., 36th Cong., p. 1405.

[2] January 29, 1861. Text, Speed's "Union Cause in Kentucky," p. 30.

After a brief recess,[1] the Legislature reconvened, and the fight for delay and inaction was reopened by the Unionist leaders, who were still determined to prevent precipitate action, and to allow the people to settle the question of union or secession, at the coming elections. Their task was even more difficult than before, as Lincoln's inauguration (March 4, 1861), and that of Jefferson Davis, as provisional President of the "Confederate States of America" (February 18, 1861), had occurred during the recess, and the intensity of feeling, for the one side or the other, had rapidly increased. Special invitations were sent out, requesting prominent leaders, both Unionist and States' rights men, to discuss the national situation before the two Houses of the Legislature, and the general public was admitted to the meetings. Crittenden, whose term in the United States Senate had just expired, was asked to address a joint session of both Houses,[2] and his speech was an eloquent plea for Union and mutual concessions. "It would be wisdom in us," he said, "never to consider the question of dissolution. It is not a question to be debated. . . ."

A few days later, John C. Breckinridge received a similar invitation and, on April 2, presented the cause of the Southern rights men,[3] pleading, not for secession, but for peace, if this could be secured without sacrificing what he regarded as the "inalienable rights of the South."[4]

It was next decided to invite the border slave States to

[1] February 11 to March 20, 1861. Collins, I, p. 86.

[2] Address of March 26, 1861. Full text, Coleman's "Crittenden," II, pp. 299–316.

[3] Collins, I, p. 87.

[4] "As long as there was a hope of peace with honor he [Breckinridge] bent his energies to secure it." Collins, II, p. 203.

send delegates to a peace conference to be held at Frankfort, Kentucky, on the twenty-seventh of May; and provision was made for the election of twelve Kentucky delegates, one from each Congressional district in the State.[1] The Legislature then adjourned, sine die.[2] The Unionist leaders had succeeded in their undertaking, and no action for the calling of a Sovereignty Convention had been taken. The question was apparently to be left open, for the decision of the people, in the elections of the coming August.

But long before the date fixed for those elections, the whole aspect of affairs was suddenly changed by the fall of Fort Sumter. It was no longer merely a question of the right to secede which confronted Kentucky; she must now decide upon her attitude toward two belligerent powers engaged in actual war.

Major Anderson's position at Fort Sumter had been, from the first, recognized as untenable, in case of any serious attempt of the South Carolina authorities to storm it. By a truce, the garrison had been allowed a limited intercourse with the city of Charleston, but, on April 7, General Beauregard notified Major Anderson that such intercourse would no longer be permitted.[3] The next day Lincoln announced that supplies would be sent to Fort

[1] The election of Kentucky delegates was set for May 4, but, before that date, Fort Sumter had fallen (April 13, 1861), and the country stood face to face with civil war. The elections were held, however, resulting in the choice of the entire "Union" ticket. (Names, Collins, I, p. 89.) The convention met on May 27, and sat until June 3, John J. Crittenden acting as president. It proved, however, a small affair, only two States, besides Kentucky, having sent delegates. (Missouri four and Tennessee one. Names, etc., Collins, I, p. 91.) See also Speed's "Union Cause in Kentucky," pp. 42–43.

[2] Adjournment, April 4, 1861.

[3] Collins, I, p. 87; Rhodes, III, p. 347.

Sumter, by force if necessary.[1] This was the critical moment, and South Carolina had no idea of losing it. The existence of a Federal (alien) garrison within South Carolina waters seemed to her an indignity, and she decided to take immediate steps to secure possession of the fort. Under the pressure of her eagerness, President Davis ordered General Beauregard to demand the surrender of Fort Sumter, and, in case of refusal, "to reduce it." [2] True to his trust, Anderson declined to evacuate; but admitted that he would be "starved out in a few days," if no supplies reached him; and, after further negotiation, declared that, if by noon of April 15, he should not receive "controlling instructions" or supplies, he would evacuate the fort.[3] This answer did not satisfy the aids who bore General Beauregard's demand for surrender, and they gave Anderson notice that, in an hour, the Confederate batteries would open fire upon Fort Sumter.[4] When the hour had expired, at 4: 30 on the morning of April 12, 1861,[5] a shell from a mortar at Fort Johnson "rose high in air and, curving in its course, burst almost directly over the fort." [6] After a bombardment lasting twenty-four hours, Fort Sumter hauled down the tattered American flag, and Major Anderson, having negotiated honorable terms of surrender, loaded his little garrison upon a vessel, and set sail for New York (April 14). The next day, Lincoln's Proclamation appeared, calling upon the States for seventy-five thousand troops for use against the insurgents, and command-

[1] Collins, I, p. 87; Schouler, VI, p. 30, for details.
[2] "Official Records," I, p. 297.
[3] Ibid., pp. 14, 60.
[4] Rhodes, III, p. 349.
[5] "Official Records," I, p. 60.
[6] Rhodes, III, p. 349.

ing all rebels to return to their allegiance within twenty days.

On the same day Governor Magoffin received a dispatch from Simon Cameron, Secretary of War, demanding "four regiments of militia for immediate service." [1] As the Legislature had adjourned, sine die, on April 4, the Governor was free to act, in this crisis, without the restraint which the presence of a Legislature might have imposed; and accordingly replied: [2]

"Your dispatch is reviewed. In answer, I say, emphatically, Kentucky will furnish no troops for the wicked purpose of subduing her sister Southern States."

This answer naturally aroused the expectancy of the Confederacy. It seemed to indicate that Kentucky was at last prepared to cast aside her allegiance to the Federal Government, and to take her place among the Confederate States of America. L. P. Walker, Confederate Secretary of War, at once sent the following message [3] to Governor Magoffin:

"Your patriotic response to the requisition of the President of the United States for troops to coerce the Southern States justifies the belief that your people are prepared to unite with us in repelling the common enemy of the South. . . . I therefore request you to furnish one regiment of infantry without delay to rendezvous at Harper's Ferry, Virginia. . ."

This inference, however, proved broader than the facts justified. While heartily approving the governor's de-

[1] Text, Collins, I, p. 87.

[2] Reply dated Frankfort, April 15, 1861. Text, Collins, I, p. 87.

[3] Dated Montgomery, Ala., April 22, 1861. "Official Records," Serial No. 127, pp. 231–232.

nunciation of the idea of coercing a Sovereign State,[1] the people of Kentucky were by no means ready to take up arms against the Federal Government. Even Magoffin, although ardently sympathizing with the cause of the Confederacy, was as yet unprepared for so radical a step. He realized the dangers to which Kentucky's geographical position would expose her, in the event of a civil war, and was eager to avoid them. In his inaugural address, he had warned his fellow citizens of these dangers, in words which show an intensity of conviction not to be mistaken. "With seven hundred miles of territory bordering on the free States," he had declared, "Kentucky must think . . . calmly and act with . . . discretion. . . . In the event of a separation of these States then indeed would . . . she be baptized, in blood and fire, with the significant title first won by our heroic fathers of, 'The dark and bloody ground.'"[2] He, therefore, promptly and positively declined to comply with the request of the Confederate Secretary of War,[3] and turned his attention to the problem of arming the State for her own defence.

Having declined to furnish aid to either belligerent, Magoffin saw clearly that Kentucky's position was one of extreme danger. The Legislature, no longer in session, had taken no position whatever with reference to "the impending crisis," and no appropriations for military equipment, adequate to the new conditions, had been made. The State was, therefore, a fair mark for either

[1] See address adopted by the Union State Central Committee, on April 18, 1861. Text, Collins, I, pp. 87–88.

[2] Text, "Louisville Courier," September 3, 1859.

[3] Reply April 22, 1861. Collins, I, p. 88.

army, and her government was in no condition to offer resistance in case of invasion.[1]

The Governor's first appeal was to the banks. He called upon them for temporary loans for military purposes; but the response was not encouraging. A few offered small sums, but the majority showed no disposition thus to dispose of their funds. The Bank of Kentucky agreed to furnish her quota, but only upon the express condition that the money be used for no other purpose than, "arming the State for self-defence and protection, to prevent aggression or invasion from either the North or the South, and to protect the present status of Kentucky in the Union." [2]

Just what this "present status," was, is not difficult to determine. The popular support which had been given to the governor, in his refusal to comply with the requisition of the Federal Government, made it evident that her connection with the Union was but a theoretical connection; while there was no possible ground for claiming any connection with the Confederate States. She was standing neutral, and Governor Magoffin, although a strong southern sympathizer, as all his messages show, was an eager partisan of the doctrine of strict neutrality. If only the border States, he believed, could be held in a neu-

[1] The Adjutant-General's report of January 17, 1861, shows that the total of arms belonging to the State was 58 pieces of ordnance, 11,283 muskets, 3,159 rifles and 2,873 cavalry arms. The State Guard consisted of 45 companies, admirably drilled in rifle tactics and fully armed, a force adequate to all the needs of times of peace, but insignificant under existing conditions. Figures, Collins, I, p. 86. The Legislature, on April 3, 1861, had appropriated $19,400 for the construction of an arsenal at Frankfort (Ibid., p. 87); and some of the towns in the State had appropriated money for local armament; but the military supplies of the State were absurdly scanty.

[2] For statement of other loans, etc., see Collins, I, p. 88.

tral and mediating position, compromise might yet be possible.

He, therefore, opened correspondence with the Governor of Missouri, Simon Bolivar Buckner acting as his messenger, and found that he held similar views. Buckner visited next the Governor of Tennessee, who also confessed his faith in the wisdom of "mediating neutrality." [1] An invitation was then sent (May 1, 1861), to the Governors of Ohio and Indiana, asking them to join in a plan for mediation between the Federal Government and the seceding States.[2] If only a truce can be arranged, Magoffin urged, until Congress comes together in extraordinary session, a way may be found, by that body, for peacefully adjusting the serious sectional issues. He soon discovered, however, that these gentlemen would entertain no mediating policy. The Governor of Ohio, William Dennison, replied that, in his opinion, as the Federal Government was wholly in the right, the only peaceful solution possible was a return of the seceded States to their rightful allegiance; while Governor Morton of Indiana added the emphatic statement, that Kentucky was bound to obey the requisitions made upon her by the President, and hinted that she would be doing herself more credit if, instead of presuming to pose as a mediator, she should take her place with Indiana on the side of the Federal Government.[3]

Amid the manifold perplexities of his position, Governor Magoffin now decided to again summon the Legislature in special session, and to share with it the responsibility of meeting the crisis.

[1] Buckner interview, June, 1909.

[2] Collins, I, p. 89.

[3] Ibid. "Annals of Kentucky," date May 1, 1861, quotes the invitation and the replies.

On the sixth of May, it assembled, and the Unionist leaders prepared to grapple with the new situation which had arisen. As the people of the State had made it abundantly evident that they approved of the governor's refusal to furnish troops "for the wicked purpose" of coercing the seceded States, but one course was left open to the Union men of the Legislature. They must advocate "mediating neutrality," a position friendly to both belligerents, by which course alone it might be possible to prevent action, until after the August elections, when, as they confidently believed, the people would declare their firm adherence to the Union.

The position of "mediating neutrality" had been strongly advocated, a few weeks earlier,[1] by the venerable statesman, John J. Crittenden. As Kentucky, he had declared, has done nothing to bring on this fratricidal war, she should not allow herself to be dragged into it, but should stand neutral, extending the hand of conciliation to both sections. Hold fast to the flag of your country, he had urged, and adhere to a position of neutrality which alone can enable you to mediate for peace between the warring factions.

This advice contemplated, not an armed defiance of both belligerents, but a position of friendship toward both: it assumed the sovereignty of the individual State, a doctrine held by most Kentuckians of that day, whether

[1] Speech at Lexington, April 17, 1861. Collins, I, p. 87. In a letter to General Scott, dated May 17, 1861 (quoted in Speed's "Union Cause in Kentucky," p. 54), Crittenden declares that Kentucky acquiesced in the governor's refusal to furnish troops to the Federal Government, "not because she loved the Union less, but she feared that if she had parted with those troops . . . she would have been overwhelmed by the Secessionists at home, and severed from the Union. . . . It was to preserve . . . our connection with the Union that induced us to acquiesce. . . ."

Unionist or States' right men, but it spoke clearly for loyalty to the Union, and a desire for its preservation. Long and intimate connection with the Federal Government had given to Crittenden a deep insight into national conditions. He knew the mind of the men who had recently been called to direct the affairs of the Republic, and was able, as few Kentuckians of his day were able, to discount the wild tales, so generally current in Kentucky, of the dark plottings of the Federal administration, against the rights and liberties of the South. He did not believe, as many a man equally honest firmly believed, that the aim of Lincoln's administration was the conquest and subjugation of the slaveholding States. "The argument which has been so often used to disunite us," he had told the Kentucky Legislature,[1] "—that the North hates the South and that the South hates the North—is not true. The Almighty has not made us with hearts of such malignity as to hate whole classes of our countrymen for the sins of a few men. . . ." He believed that, even at this eleventh hour, when the tramp of martial footsteps had already begun, peace might be restored by the gentle art of mediation, and he coveted for his own Commonwealth the honor of becoming the mediator. To the men of this generation, who can see both before and after, such a belief seems the vainest of delusions; but few men will question the sincerity and loyalty of this venerable statesman.

Belief in the ultimate success of a mediating policy was greatly strengthened by the report, that President Lincoln himself, in a recent conversation with Garret Davis, had declared that he would make no military movement against

[1] Address of March 26, 1861. Text, Coleman's "Crittenden," II, pp. 299–316.

any State which did not offer armed resistance to the authorities of the United States. It was also reported that, in a similar conversation with Warner L. Underwood, he had declared that, while hoping that Kentucky would sustain the Union in her present difficulties, he would make no effort to compel her to do so.[1] Positive proof of the truthfulness of these reports was scarcely necessary, in view of the fact that Mr. Lincoln, in his inaugural address,[2] had quoted, with approval, the words of the Republican platform, " . . . We denounce the lawless invasion, by an armed force, of the government of any State or Territory, no matter under what pretext, as among the gravest of crimes."

With such words fresh in their minds, it was not unreasonable for the Unionist leaders of Kentucky to believe that she might safely venture to insist upon a neutral position, from which she might the more easily exercise the office of mediator; but the means by which they proceeded to bring about such a declaration were novel, if not unprecedented. At their suggestion, six Kentuckians were selected, three representing the united Bell-Douglas party, and three the Breckinridge Democrats. These, after having been approved by their respective parties in the Legislature, of which they themselves were not members, were authorized to meet and agree upon some definite course of action, to be followed by the Legislature, with reference to the great questions then disturbing the nation; and it was agreed, in caucus meetings of the respective parties in the Legislature, to carry out, by legislative action, whatever program the "Six arbiters" should recommend.

On May 11, 1861, the arbiters met in conference, and

1 Statement of these reports, Collins, I, p. 88.

2 Text, Curtis' "Republican Party," I, pp. 382–384.

at once John C. Breckinridge and his Democratic colleagues, Governor Magoffin and Richard Hawes, proposed that the first recommendation should be, that the Legislature call a Sovereignty Convention to decide the question of whether or not Kentucky should secede from the Union.[1] To this course, Crittenden and his Unionist colleagues, Archibald Dixon and Samuel S. Nicholas, positively refused assent, and, after some discussion, it was abandoned.

The next proposition commanded the approval of all. It was to advise the Legislature to declare that Kentucky would stand neutral in the conflict between the Federal Government and the Confederate States.

As a natural corollary to this action, the question then arose as to what advice should be given regarding the raising, arming and drilling of troops for the service of the State, and, after a prolonged debate, it was agreed to advise the Legislature to create a military board of five persons, upon whom should devolve the duty of providing a military organization, adequate to the needs of the Commonwealth.[2]

With these recommendations before them, and with petitions, praying for a declaration of neutrality, pouring in from every section of the State,[3] the Legislature faced its problems; and on May 16, 1861, the House Committee

[1] Details of the proceedings of the conference of the six arbiters. Collins, I, p. 90.

[2] It was further agreed that General Simon Bolivar Buckner should be named as a member of this military board, and that, of the other four, two should be selected by the three Breckinridge arbiters, and two by those representing the Bell-Douglas (Union) party. The Breckinridge arbiters announced, as their choice, Governor Magoffin and George W. Johnson. The Unionist members selected Archibald Dixon and Samuel Gill. Collins, I, p. 90.

[3] For list of such petitions, representing thirty-one counties, and the chief towns of the State, see Collins, I, p. 89. Also Battle, pp. 350–351.

on Federal Relations presented a report, urging the adoption of the following declaration:

"Considering the deplorable condition of the country, and for which the State of Kentucky is in no way responsible, and looking to the best means of preserving the internal peace, and securing the lives, liberty and property of the citizens of the State; therefore, 'Resolved by the House of Representatives, That this State and the citizens thereof should take no part in the civil war now being waged, except as mediators and friends to the belligerent parties; and that Kentucky should, during the contest, occupy the position of strict neutrality. . . .'" [1]

This was the declaration which the Union leaders had contemplated, when suggesting the appointment of the six arbiters, and they eagerly sustained it. Its adoption, by a large majority [2] of the House, showed clearly that the hope of preventing civil war had not yet been abandoned, even by some who were not counted as members of the Union majority in the Senate.

"With these resolutions," writes Captain Thomas Speed,[3] "there was no concurrence by the Senate, and therefore they only reflect the mind of the one body" (i. e., the Kentucky House of Representatives). If this were the whole truth the charge of bad faith, so freely uttered at the time, against the Unionists of the Senate, would be justifiable. The caucuses of both parties, in both Houses of the Legislature, had definitely pledged themselves to abide by, and carry out by legislation, whatever the "Six Arbiters" should agree in recommending.[4] That recommendation,

[1] Text, Collins, I, pp. 90–91; Speed's "Union Cause in Kentucky," p. 32.

[2] Details of the vote, Collins, I, p. 91.

[3] "Union Cause in Kentucky," p. 32.

[4] Collins, I, p. 90.

made by unanimous consent, had been in favor of armed neutrality, as the best means of preserving peace. For the Senate, controlled by a slight Unionist majority, to decline to fulfill this pledge would have reflected small credit upon its members, but they did not refuse. They failed to assent to the resolutions passed by the House, it is true, but they adopted a series of their own, declaring,[1] that Kentucky "will not sever her connection with the national government, nor will she take up arms for either of the belligerent parties"; and offering her services as mediator, " . . . to bring about a just and honorable peace."

Thus did the policy of neutrality, for the purpose of mediation, receive the official sanction of both Houses of the Kentucky Legislature; but Governor Magoffin did not wait for the action of the Senate. On May 20, he issued a proclamation,[2] warning all other States, "whether separate or united, and especially the 'United States,' and the 'Confederate States,'" to abstain from any movement upon the soil of Kentucky, or the occupation of any place whatever within her lawful boundary, until authorized by invitation or permission of her Legislative and Executive authorities. This neutral position is assumed, he explains, in the hope, "that she [Kentucky] may soon have an opportunity to become a successful mediator between them (the belligerent powers) . . ."

The action of the two houses, together with the Governor's proclamation, definitely committed the State to the policy of mediating neutrality, a position which "smacked of State Sovereignty," quite as decidedly as

[1] Resolutions presented to the Senate of Kentucky, by John B. Bruner, May 24, 1861. Text, Battle's "Kentucky," p. 351, and Collins, I, p. 91.

[2] Full text, Speed's "Union Cause in Kentucky," pp. 47–49.

did secession itself; but there was this difference—a difference which meant everything to the Union cause in Kentucky—an act of secession could not have been easily recalled; while a policy of armed neutrality, for the purpose of mediation, was, by its very nature, limited in duration, to the time during which mediation might be considered to have some chance of success.

With a Legislature which had been chosen in 1859, before the question of secession had become dominant, the discreet policy to be followed by the friends of Union, was a waiting policy, in view of their faith in the firm loyalty of the voting population of the State; and the policy of armed neutrality for the purpose of mediation, made it unnecessary for the State to face at once the question of joining the Confederacy or adhering to the Union. It represents, therefore, a victory for the Union cause in Kentucky. What this meant to the Union cause in the nation is only speculation; but Lincoln himself, as his most authoritative biographers [1] tell us, had, "from the beginning felt that Kentucky would be a turning weight in the scale of war;" and it is safe to say that, had she gone over to the ranks of secession, she might have carried with her a force which would have greatly increased the seriousness of the problem which confronted the National Government.[2] "If Kentucky had gone when Virginia went," says General Buckner, "it seems probable that Missouri and Maryland would both have followed her," in which event, as General Franklin once expressed it, "the war might have gone to the Lakes instead of to the gulf." [3]

[1] Nicolay-Hay, "Abraham Lincoln, A History," IV, p. 235.
[2] Shaler, p. 241.
[3] Buckner interview, June, 1909.

The Legislature, in which such momentous decisions had been made, adjourned, sine die, on the twenty-fourth of May,[1] having fixed upon the first Monday in September, as the date for the assembling of the new Legislature. It had been in almost constant session for nearly a year and a half, and had debated the great questions of the hour with a thoroughness unsurpassed in any part of the country. And yet, through it all, there had continued, unbroken, the most kindly and generous relations among its members.

"When the final session closed," says General Hodge,[2] "as its members parted, and clasped hands in adieu, they bade each other God speed—well knowing that commissions in the Federal army were already signed for many, and that, for many more, Confederate soldiers were waiting as leaders; knowing, too, that when they met again to argue the question, it would be at the assize of blood. . . ."

Throughout the entire Commonwealth, at that same moment, the choice was being made. The hour had come "when brother shall rise against brother." "Topographical position, or peculiarity of property, seemed to have no influence in the decision. The planters of the tobacco region, cultivating their fields exclusively by slave labor, turned their backs upon their plantations and went to range themselves in the ranks of the Federal army; while from the northern border, entirely denuded of its slave population, men who had never owned a slave and whose most valuable possessions lay in Ohio, Indiana and Illinois, committed their families to God's keeping and rode away

[1] Collins, I, p. 91.

[2] Gen. Geo. B. Hodge of Newport, Ky., author of the closing chapter of the "Outline History." Collins, I, pp. 341 et seq.

into the southern lines." [1] Yet there was little bitterness, little of the passion and hatred which usually attend civil war movements. Lifelong friends parted, to go their separate ways, not with the taunt that stings, but with the clasp of the hand that means a friendship which even the extremest differences of political faith cannot destroy. It was not in Kentucky, as it was in some sections of the country, a decision of the leaders, blindly followed by the masses.[2] The choice was made by each man for himself.

Three days after the adjournment of the Legislature, the Border Slave State Convention met at Frankfort. Of its seventeen members,[3] the twelve who represented Kentucky had been elected in the belief that they were ardently loyal to the Union; [4] and the vote of one hundred and seven thousand three hundred and thirty-four, which had been cast for them, shows how overwhelming was the Union sentiment in the State, being only thirty-eight thousand five hundred and twenty-eight less than the entire vote which the State had cast for the four Presidential tickets in 1860,[5] and only thirty-six thousand one hundred and thirty-six less than the entire vote cast in the guber-

[1] "Outline History of Kentucky," Collins, I, p. 342. Garrett Davis, in a letter to General McClellan, presents quite a different view: "The sympathy for the South and the inclination to secession among our people is much stronger in the southwestern corner of the State than it is in any other part, and as you proceed towards the upper section of the Ohio River and our Virginia line it gradually becomes weaker, until it is almost wholly lost." "Official Records," II, p. 678.

[2] Shaler, pp. 253–254.

[3] Collins, I, p. 89, for names of Kentucky delegates, all Unionists, who had been elected on May 4, 1861; and, Ibid., p. 91, for names of the Missouri and Tennessee delegates, etc.

[4] Speed's "Union Cause in Kentucky," p. 46; Collins, I, p. 89, for details of the election. The Southern rights ticket had been withdrawn, before the election, by order of the State Central Committee.

[5] Details of vote for President in 1860, Collins, I, p. 84.

natorial election of 1859.[1] John J. Crittenden presided over the Convention, which expressed its continued faith in the principle of armed neutrality for the purpose of mediation, in an address, urging the people of the seceded States to reëxamine the question of the necessity for their act of withdrawal from the Union. "If you find it has been taken without due consideration, as we verily believe, . . . then we pray you to return promptly to your connection with us, that we may be in future, as we have been in the past, one great, powerful, and prosperous nation."

The question of Kentucky's position of mediating neutrality now began to attract the attention of the Federal authorities. Early in June, 1861, General Simon Bolivar Buckner, Inspector General of the Kentucky Militia, received an invitation from General George B. McClellan, Commander of the United States troops in States north of the Ohio, to meet him at Cincinnati, and discuss this subject. Buckner telegraphed his old friend, Sam Gill, a Union man, to join him, and together they crossed the Ohio, and repaired to the appointed place, where, says Gill,[2] "we soon entered into a free and unreserved expression of opinion in regard to many matters connected with the present political difficulties." After some discussion, General McClellan agreed to a definite policy with regard to Kentucky, an agreement which General Buckner regarded as binding upon the Federal Government. The following is Buckner's official report of the interview.[3]

[1] Details of vote in election at which Beriah Magoffin was chosen governor, August 1, 1859, Collins, I, p. 81.

[2] Gill to Buckner, Louisville, July 25, 1861 (MS.).

[3] I am indebted to General Buckner himself for the text of this letter, which, he thinks has not been before published.

"Gen. Buckner to Gov. Magoffin.

"Headquarters, Ky. St. Guard.

"Louisville, June 10th, 1861.

"Sir: On the 8th inst. at Cincinnati, Ohio, I entered into an agreement with Maj. Gen. G. B. McClellan, Commander of the U. S. troops in the States north of the Ohio river, to the following effect.

"The authorities of the State of Kentucky are to protect the U. S. property within the limits of the State, to enforce the laws of the U. S. in accordance with the interpretations of the U. S. Courts, as far as the law may be applicable to Kentucky, and to enforce with all the power of the State our obligations of neutrality as against the Southern States, as long as the position we have assumed shall be respected by the United States.

"Gen. McClellan stipulates that the territory of Kentucky shall be respected on the part of the U. States, even though the Southern States should occupy it; but in the latter case he will call upon the authorities of Kentucky to remove the Southern forces from our territory. Should Kentucky fail to accomplish this object in a reasonable time, Gen. McClellan claims the same right of occupancy given to the Southern forces. I have stipulated in that case to advise him of the inability of Kentucky to comply with her obligations and to invite him to dislodge the Southern forces. He stipulates that if he is successful in doing so he will withdraw his forces from the territory of the State, as soon as the Southern forces shall have been removed.

"This he assures me is the policy which he will adopt towards Kentucky.

"Should the administration hereafter adopt a different policy he is to give me timely notice of the fact. Should the

State of Kentucky hereafter assume a different attitude he is in like manner to be advised of the fact.

"The well-known character of Gen. McClellan is a sufficient guaranty for the fulfillment of every stipulation on his part.

"I am, sir, very respectfully,

"Your Obt. Svt.,

"S. B. BUCKNER,

"Inspector General.

"To His Exc. B. Magoffin.

"Frankfort, Ky." [1]

General Buckner's view of the nature of this understanding is clearly expressed in this report, and, from a letter, written by McClellan three days after the interview,[2] it is evident that he, also, regarded it as official and binding. The letter is a formal demand upon the Governor of Kentucky for a fulfillment of the terms of that understanding, and reads thus:

"CINCINNATI, June 11, 1861.

"Gov. B. MAGOFFIN:

"I have received information that Tennessee troops are under orders to occupy Island number one, six miles below Cairo. In accordance with my understanding with Gen. Buckner, I call upon you to prevent this step. Do you regard the Islands in the Mississippi River above the

[1] Col. Sam Gill has left a written account of this agreement and conference, corresponding exactly with the above account from the pen of General Buckner. It was printed in the "Clarksville Jeffersonian," of September 13, 1861, files of which were kindly opened to my inspection by W. W. Barksdale, editor of the "Leaf Chronicle" of Clarksville, Tenn.

[2] For this, also, I am indebted to General Buckner.

Tennessee line, as within your jurisdiction, and if so, what ones?

"Respectfully,
"G. B. McClellan.
"Adj. Gen. U. S. A."

In reply, Magoffin informed McClellan that he had sent General Buckner to Paducah with, "orders to carry out his understanding with you." [1]

These letters show conclusively that the agreement at Cincinnati was regarded by General McClellan, as well as by General Buckner, as binding upon both parties. It was certainly, so far as could be done by a Federal commander in the field, a recognition of Kentucky neutrality.

Meanwhile, a Confederate flag, floating proudly in the breeze at Columbus, Kentucky, was captured and hauled down by some Federal troops from Cairo; [2] as a result of which insignificant incident General Buckner started for Cairo, to have another discussion with General McClellan. He was accompanied by Judge Bigger, Colonel Bullock and George Barrett.

After presenting his friends to the Federal commander, General Buckner requested General McClellan to state again the substance of the agreement, recently entered into between them at Cincinnati.

McClellan, at once seeing the meaning of the request, declared, as a preliminary, that, "the expedition the day before was not made with the view of visiting Columbus, but to reconnoitre some Tennessee troops who, they had

[1] Magoffin to McClellan, Frankfort, June 11, 1861 (MS.). Also Magoffin to Buckner, Frankfort, June 11, 1861 (MS.), for the governor's notice to Buckner concerning McClellan's demand.

[2] E. J. Bullock to General Buckner, Columbus, Ky., June 29, 1861 (MS.).

learned, had quartered on one of the islands of the Mississippi, and that they had positive orders not to land elsewhere on the Kentucky shore." [1] He then restated the agreement made at Cincinnati, adding that, "the troops under his command were volunteers, and that when he was not with them they might disobey his commands, as was the case the day before . . . that if the troops were regulars he could control them, but that volunteers were not so easily managed. . . ." [2] According to E. J. Bullock's account of the conversation, he further declared, "that Kentucky was to be left to take charge of her own citizens, and positively stated that if any application was made to him for assistance from any of the citizens of Kentucky, he would refer them to the judicial and military authorities of Kentucky, and extend no aid himself. . . ."

The news of this magnanimous attitude, on the part of the Federal commander, quickly spread through Kentucky, and doubtless had the effect of turning a few uncertain votes into the ranks of the Kentucky Unionists. Although, as the result of the special election for choosing members of Congress (which occurred only a week after this interview [3]), clearly shows, the Union sentiment in Kentucky was already overwhelmingly strong. The definite ques-

[1] Geo. Barrett to General Buckner, Paducah, Ky., July 2, 1861 (MS.).

[2] Besides the written account of this interview by Geo. Barrett, which has just been quoted, I have before me written accounts by J. M. Bigger and E. J. Bullock, the two other witnesses to the interview. Their accounts exactly correspond with that given above. J. M. Bigger's account, however, declares: ". . . It is due to Major General McClellan to say that I did not understand him to pledge his Government to this line of policy, but to state his own line of policy as the Commander of the United States forces if left untrammelled by instructions from his Government."

[3] Election of June 20, 1861. President Lincoln had called a special meeting of Congress for July 4, 1861, and this made it necessary for Kentucky to hold a special election. Speed's "Union Cause in Kentucky," p. 88.

tion before the people in that election was "Union or dis-Union"; and the vote presents a total Union majority of fifty-four thousand seven hundred and sixty.[1] The friends of the Union carried every Congressional district except one, a fact which clearly indicated that the period of greatest peril had passed for Kentucky, and that, after the regular elections of August, the State government would come into the hands of men who loved the Union, and who would keep Kentucky secure in her place therein.

In the meantime, the fact that General McClellan had definitely accepted Kentucky's neutral position had led Governor Magoffin to believe that an official acknowledgment of it might be secured from President Lincoln himself. He accordingly dispatched General Buckner to Washington, with orders to explain to Lincoln the plan by which Kentucky hoped to check the rising conflict between the seceded States and the Federal Government, and, if possible, to secure his approval of that plan. On July 9th, accompanied by John J. Crittenden, Buckner met the President, who, he says,[2] "wrote and handed me the following paper. He accounted for the absence of his signature by saying that he did not intend to write a 'proclamation,' but to give me a paper, on which I could base my statements of his policy, and which would be my evidence hereafter, if any difference should arise relative to that policy, and he appealed to Mr. Crittenden, who was present, to identify the paper in any way that he thought

[1] Vote by districts, with names of candidates, etc., Collins, I, p. 92. Fuller details, Speed's "Union Cause in Kentucky," pp. 88–89.

[2] Clarksville "Jeffersonian," Sept. 13, 1861.

proper. This was done by the latter gentleman's subjoining his initials."

The original manuscript is unfortunately lost,[1] but the copy here presented is reproduced from a photograph of the text, as printed in the "Jeffersonian" of Clarksville, Tennessee, September 13, 1861, where General Buckner himself inserted it.

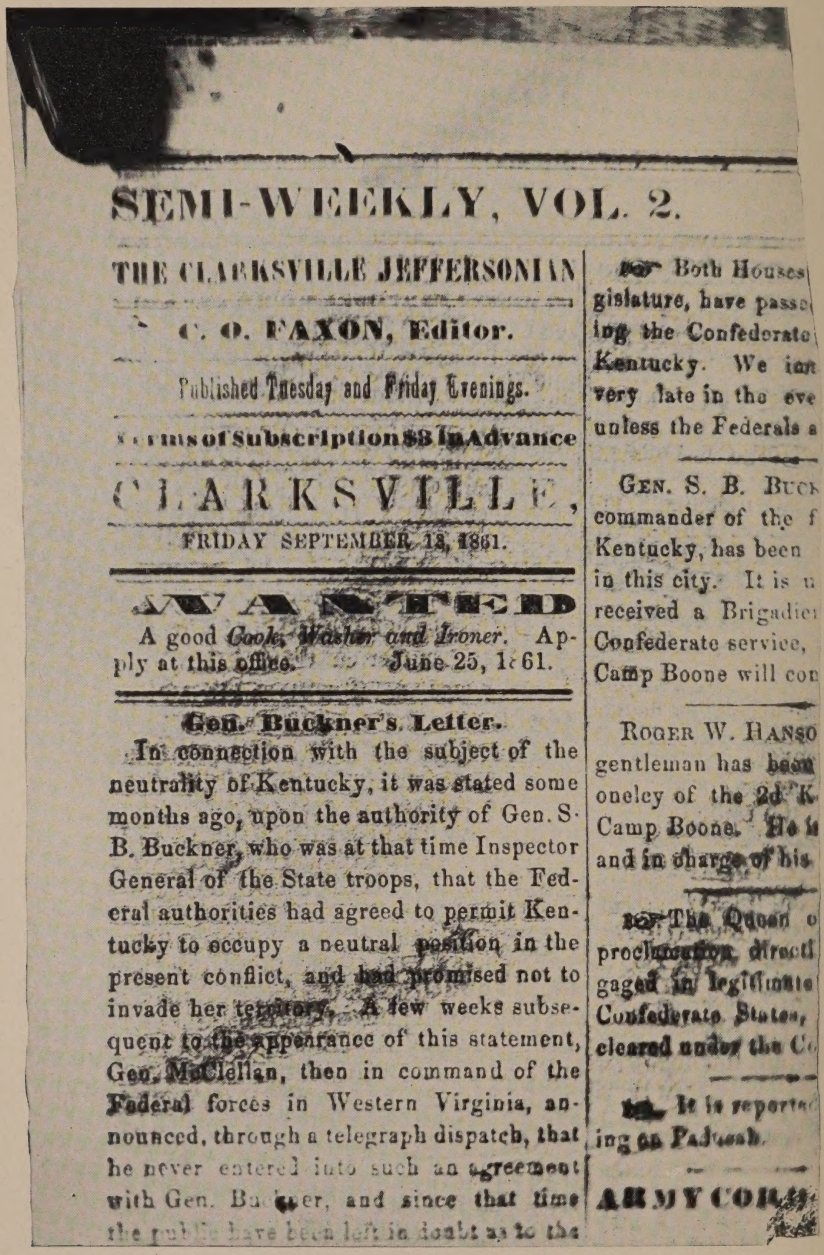
In giving this document to the public, General Buckner made this statement of his interpretation of its meaning:[2]

"I learned, when in Washington, from some of the friends of the President, that he was exceedingly tenderfooted on the meaning of certain terms. He was not willing to 'respect' the neutral position of Kentucky, for that would be to acknowledge her right to assume it; but he was entirely willing to 'observe' it." During the conversation, he says, "The President succeeded in impressing upon me the belief, that, 'as long as there are roads around Kentucky,' to reach the rebellion, it was his purpose to leave her unmolested, not yielding her right to the position she occupied, but observing it as a matter of policy."

To what extent this document, given out by Lincoln for the express purpose of strengthening the Union cause in Kentucky, affected the elections of August, 1861, no one may now declare with certainty. There can be little doubt, however, that it had its effect, when taken in conjunction with a foolish speech of Walker, the Confederate Secretary of War, who openly declared that the Confederate States

[1] "I later gave the manuscript to a friend for safe-keeping. Soon afterward he was called away to Arkansas, and I was never afterward able to recover the document." Buckner interview of June, 1909.

[2] "Clarksville Jeffersonian," September 13, 1861.



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THE CLARKSVILLE JEFFERSONIAN

C. O. FAXON, Editor.

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CLARKSVILLE,

FRIDAY SEPTEMBER 13, 1861.

WANTED

A good *Cook, Washer and Ironer.* Apply at this office. June 25, 1861.

Gen. Buckner's Letter.

In connection with the subject of the neutrality of Kentucky, it was stated some months ago, upon the authority of Gen. S. B. Buckner, who was at that time Inspector General of the State troops, that the Federal authorities had agreed to permit Kentucky to occupy a neutral position in the present conflict, and had promised not to invade her territory. A few weeks subsequent to the appearance of this statement, Gen. McClellan, then in command of the Federal forces in Western Virginia, announced, through a telegraph dispatch, that he never entered into such an agreement with Gen. Buckner, and since that time the public have been left in doubt as to the

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sence of Hon. J. J. Crittenden and myself, and handed me the following paper. It bears all the marks of the characteristic indirectness of President Lincoln's mind. He accounted for the absence of his signature, by saying that he did not intend to write a "proclamation," but to give me a paper, on which I could base my statements of his policy, and which would be my evidence hereafter, if any difference should arise relative to that policy; and he appealed to Mr. Crittenden, who was present, to identify the paper in any way that he thought proper. This was done by the latter gentleman's subjoining his initials.

The following is the paper handed me by President Lincoln:

It is my duty, as I conceive, to suppress an insurrection existing within the United States.—I wish to do this with the least possible disturbance or annoyance to well disposed people anywhere. So far I have not sent an armed force into Kentucky; nor have I any present purpose to do so. I sincerely desire that no necessity for it may be presented; but I mean to say nothing which shall hereafter embarrass me in the performance of what may seem to be by duty.

July 10, 1861.

[Signed,] J. J. C.

This memorandum was handed to me by President A. Lincoln, in the Executive Chamber, Washington, on the 10th July, 1861, in the presence of Hon. J. J. Crittenden, who, at the instance of the President, witnessed it by marking it with his initials.

S. B. BUCKNER.

Though the paper is not generally characterised with directness, there is in it a positive statement that no purpose existed in his mind to send any troops to Ken-

did not want Kentucky as an ally, but as a battleground.[1] But no mere incidents of politics can serve to explain the Union majorities which that election shows. The only adequate explanation is the fact that the heart of Kentucky was with the Union. The vote was but a repetition of all that had preceded it, since the question of the preservation of the Union had become the dominant question of the day, and resulted in an overwhelming victory for the Union cause. Seventy-six Unionists were elected to seats in the lower House, as against twenty-four States' rights men; and the new State Senate was given a Unionist majority of sixteen,[2] which would doubtless have been even greater but for the fact that one-half of the seats were not involved in the election.[3]

All anxiety as to the loyalty of Kentucky was thus dispelled, while, just before the elections, news of the battle of Bull Run (fought July 21, 1861) had made it evident that the time for mediation had passed, and that the position of neutrality must be abandoned, as soon as the new Legislature should convene.

So far neither belligerent had attempted any explicit violation of Kentucky neutrality. Recruiting stations had been established just beyond the borders, by both parties, and were drawing numbers of eager young volunteers into their ranks; but the soil of the Pioneer Commonwealth, was as yet unoccupied by the forces of either the Union or

[1] Buckner interview, June, 1909. "A remark, attributed to Howell Cobb, of Georgia, that the Southern men would only have, 'to go home, raise cotton, and make money,' leaving the war to the border States," naturally also worked powerfully toward strengthening the Union sentiment in Kentucky. Shaler, p. 249.

[2] Details of the election of August 5, 1861, Collins, I, p. 92.

[3] The Senate was elected every four years, one-half its membership being elected each second year.

the Confederacy.[1] But close upon the August elections came the news that Brigadier General William Nelson had established, in Gerrard County, a Union camp, called Camp Dick Robinson,[2] into which he was gathering, presumably with the President's authority, Federal sympathizers "from northeastern, central, and central southern Kentucky."

This was felt by Governor Magoffin to be a distinct violation of Kentucky's neutral position, which both General McClellan and the President had agreed to observe. He therefore sent a commission to Washington,[3] with instructions to protest against this invasion of Kentucky neutrality, and to urge the removal of Camp Dick Robinson.

Mr. Lincoln's reply is of unusual interest.[4]

"WASHINGTON, D. C., August 24, 1861.

"To His Excellency B. Magoffin,

"Governor of State of Kentucky.

"Sir:—Your letter of the 19th inst., in which you, '*urge the removal from the limits of Kentucky of the military force now organized, and in camp within said State,*' is received.

"I may not possess full and precisely accurate knowledge upon this subject; but I believe it is true that there is a

[1] On July 15, 1861, a Confederate recruiting station had been established at Camp Boone, eight miles from Clarksville, Tenn., and several regiments of Kentucky volunteers had been there enlisted for the Confederacy (Collins, I, p. 92). At about the same time Federal recruiting stations had been established at Camp Clay, just opposite Newport, Ky., and at Camp Joe Holt, opposite Louisville, where Kentucky volunteers for Federal service were being enrolled (Ibid.); but these camps could not fairly be claimed to have violated Kentucky neutrality. See also Ed. Porter Thompson's "First Kentucky Brigade," p. 50.

[2] Details of establishment of this Federal camp, Collins, I, p. 92.

[3] Collins, I, p. 92, for names, etc.

[4] Text furnished by General Buckner. The italics indicate the passage underscored in the MS.

military force in camp within Kentucky, acting by authority of the United States, which force is not very large, and is not now being augmented.

"I also believe this force consists exclusively of Kentuckians, having their camp in the immediate vicinity of their own homes, and not assailing, or menacing, any of the good people of Kentucky.

"In all I have done in the premises, I have acted upon the urgent solicitation of many Kentuckians, and in accordance with what I believed, and still believe, to be the wish of a majority of all the Union-loving people of Kentucky.

"While I have conversed with many eminent men of Kentucky, including a large majority of her members of Congress, I do not remember that any one of them, or any other person, except your Excellency and the bearers of your Excellency's letter, has urged me to remove the military force from Kentucky, or to disband it. One other very worthy citizen of Kentucky did solicit me to have the augmenting of the force suspended for a time.

"Taking all the reasons within my reach to form a judgment, I do not believe it is the popular wish of Kentucky that this force shall be removed beyond her limits; and with this impression, I must respectfully decline to so remove it.

"I most cordially sympathize with your Excellency, in the wish to preserve the peace of my own native State, Kentucky; but it is with regret I search, and can not find, in your not very short letter, any declaration, or intimation, that you entertain any desire for the preservation of the Federal Union.

"Your obedient Servant,

"A. LINCOLN."

This reply was by no means reassuring, and that which President Davis gave to a similar commission,[1] sent to ask a pledge of continued respect for Kentucky's neutral position, was even a bit menacing. "The Confederacy," wrote Davis, "will continue to respect the neutrality of Kentucky, so long as the people of Kentucky will maintain it themselves. But neutrality to be entitled to respect, must be strictly maintained between both parties." [2]

This clearly meant that President Davis designed to respect Kentucky's neutral position only so long as she forced the United States to respect it, and this fact was made still more evident, about a week later (September 3, 1861), when Confederate troops from Tennessee passed over the borders and deliberately entrenched themselves at Hickman and Columbus.[3] That this was done as a hint to Kentucky that the Confederacy regarded Camp Dick Robinson as a proof that she favored the Union, cannot be positively stated; but, it was plainly not the act of a power disposed to respect Kentucky's neutrality.

The question as to which of these movements first violated neutrality was then, as now, difficult to answer. Undoubtedly the Federal station, Camp Dick Robinson, was first established, but it was a station commanded by a Kentuckian, and occupied exclusively by Kentucky volunteers, while the invading Confederate forces, although en-

[1] Geo. W. Johnson was sent, on the same day (August 19, 1861), to Richmond, to get assurance from Jefferson Davis that the Confederate Government would continue to respect the neutrality of Kentucky. Magoffin's letter to President Davis is given in the "War Records," Series I, Vol. IV, p. 378.

[2] Davis to Magoffin. "War Records," Series I, Vol. IV, p. 396.

[3] Major General Leonidas Polk, "The Fighting Bishop of Tennessee," was in command of this invading army. At about the same time, General Zollicoffer entered the southeastern corner of the State and established Confederate lines near Cumberland Gap. Collins, I, p. 93; Shaler, p. 250.

tering Kentucky some time later, were "alien troops." It seems therefore only fair to say, as the Kentucky Legislature promptly said, that the Confederates had violated the neutrality of Kentucky, and that prompt restitution from her was a just and reasonable demand.

Under these conditions, the new Kentucky Legislature, which assembled on September 2, was watched with anxious interest, by the neighboring States, and especially by Tennessee, whose interests were deeply involved with those of Kentucky. The "Clarksville Chronicle" [1] thus sums up what it considers to be the position of the latter:

"The position of the Kentucky Legislature is a most embarrassing one. If it declare for neutrality, a war with Lincoln must be the consequence, because that neutrality cannot be forced without driving out his troops. If it declare for Lincoln, the Confederate States will, at once, make Kentucky a battle-ground; and if the Legislature attempt the inefficient policy of 'holding with the hare whilst running with the hounds,' it will leave the matter just where it is, the State invaded by both belligerents, and fast becoming the theatre of a desolating civil war. From this there is no escape, and Kentucky must take her stand on the one side or the other. Neutrality is an exploded humbug, there is no longer a chance to avert the war which it was intended to stave off. All that remains for the people to do is to decide whether they will fight for the South and liberty, or for the North and despotism."

These words show surprising lack of insight into the real significance of the recent August elections in Kentucky. In the vote, cast at those elections, her people had already decided this question, by giving the government of

[1] Issue of September 13, 1861.

their State into the hands of an ardent Union majority. And, even while the Tennessee editor was preparing the editorial just quoted, their representatives were carrying out their instructions.

On September 7, the Stars and Stripes had been raised over the capitol buildings, and the Governor had informed the Legislature that a protest had been sent to General Polk, commander of the Confederate forces now encamped within the State, denouncing his unnecessary violation of Kentucky's neutral territory, and demanding the withdrawal of his troops. General Polk had courteously replied, that the Confederate troops would be withdrawn, provided the State authorities would see to it that the Federal troops, encamped within the State, should be simultaneously banished; and that the Confederate troops would remain outside Kentucky territory, if the Federal troops would consent to do the same.[1] This was a just proposal, if we consider Camp Dick Robinson an establishment in violation of neutral rights, and if we consider that Kentucky still occupied a neutral position; but the majority of the new Kentucky Legislature looked at the question in a manner, quite different from this. They considered themselves definitely instructed, by the vote which had given them control of the State, to act with the Union, and had, therefore, on September 11, two days before the appearance of the article above quoted, passed a joint resolution, instructing the governor to inform those concerned, "that Kentucky expects the Confederate or Tennessee troops to be withdrawn from her soil, unconditionally.[2]

[1] Ed. Porter Thompson's "First Kentucky Brigade," p. 283.

[2] "Journal of Kentucky Senate," September 11, 1861, for text and vote of 21 to 8; "Journal of House," Ibid., for House vote of 71 to 26.

In the House, just after the vote had been taken, Mr. King moved the additional resolution: "That the Governor be requested to demand from those in authority the immediate withdrawal of the Federal troops from the Southwestern part of the State. . . ."; [1] but this was voted down by a majority of sixty-eight to twenty-nine.[2]

The joint resolution concerning the Confederate troops, having been presented to Governor Magoffin, it was promptly vetoed, his message [3] declaring, "unless . . . it is the purpose of the General Assembly to abandon entirely all pretense of neutrality, and to commit Kentucky to active co-operation with the United States Government . . . I cannot conceive why notice shall be given to one party, and refused to the other. . . ."

The response of the General Assembly, however, was prompt and decisive. As soon as the veto message had been read, the resolution was reënacted,[4] "the objections of the Governor to the contrary notwithstanding."

The meaning of this vote is obvious. To demand, by legislative action, the withdrawal of the Confederate forces, while declining, by an almost equal majority, to make a similar demand of the Federal troops, was to assert an unmistakable sympathy with the Federal cause: and, as if to prevent all doubt of this fact, the House committee on Federal Relations reported to the House the following "Preamble and Resolutions," [5] which mark the point at

[1] Full text, "Journal of House," September 11, 1861, p. 83.

[2] Names, etc., "Journal of House," September 11, 1861, p. 84.

[3] Text of veto message, "Journal of House," September 13, 1861, p. 101; "Journal of Senate," Ibid., p. 99.

[4] "Journal of House," September 13, 1861, pp. 103–104, for vote 68 to 26: Ibid., "Journal of Senate," p. 100, by 25 to 9.

[5] September 18, 1861. Text, "Journal of House," p. 153.

which Kentucky officially abandoned neutrality, and declared her adherence to the Union of States.

"Whereas, Kentucky has been invaded by the forces of the so-called Confederate States, and the commanders of the forces so invading the State have insolently prescribed the conditions upon which they will withdraw, thus insulting the dignity of the State by demanding terms to which Kentucky cannot listen without dishonor; therefore,

"(1) Be it resolved by the General Assembly of the Commonwealth of Kentucky, that the invaders must be expelled; inasmuch as there are now in Kentucky, Federal troops assembled for the purpose of preserving the tranquillity of the State, and of defending and protecting the people of Kentucky, in the peaceful enjoyment of their lives and property. It is—

"(2) Further Resolved, that General Robert Anderson, a native Kentuckian, who has been appointed to the command of the department of Cumberland, be requested to take instant command, with authority and power from this Commonwealth to call out a volunteer force in Kentucky for the purpose of repelling the invaders from our soil.

"(3) Resolved that, in using the means which duty and honor require to expel the invaders from the soil of Kentucky, no citizen shall be molested on account of his political opinions; that no citizen's property shall be taken or confiscated because of such opinions, nor shall any slave be set free by any military commander, and that all peaceable citizens and their families are entitled to, and shall receive, the fullest protection of the government in the enjoyment of their lives, their liberties, and their property.

"(4) Resolved, that his Excellency, the Governor of the Commonwealth of Kentucky, be requested to give all the aid in his power to accomplish the end desired by these resolutions and, that he call out so much of the military force of the State under his command as may be necessary therefor, and that he place the same under the command of General Thomas L. Crittenden.

"(5) Resolved, that the patriotism of every Kentuckian is involved, and is confidently relied upon to give active aid in the defense of the Commonwealth."

These resolutions, having passed the House by an overwhelming majority,[1] were sent to the Senate, where they were adopted by a vote of twenty-six to nine.[2]

It yet remained for the governor to pass upon them, and Magoffin, true to his Confederate principles, refused his assent, giving his reasons in a veto message of force and dignity.[3] His veto, however, was promptly overridden; and, by a vote of sixty-nine to twenty-one in the House,[4] and of twenty-four to ten in the Senate,[5] the resolutions were reënacted, "the objections of the governor to the contrary notwithstanding."

At this point closes the history of Kentucky's neutrality, and at this point begins the history of her part in the

[1] The vote was taken upon each of the five resolutions separately. As this is the vote which marks the definite abandonment of the neutral position, I insert the details, from the "Journal of the House," September, 1861, pp. 154.

1st	Resolution	carried	in	House	. . . . .	73 to 23
2d	"	"	"	"	. . . . .	69 to 27
3d	"	"	"	"	. . . . .	93 to 3
4th	"	"	"	"	. . . . .	72 to 24
5th	"	"	"	"	. . . . .	73 to 23

[2] "Journal of Senate," September, 1861, p. 131, for vote.

[3] Text of veto message, "Journal of Senate," September, 1861, p. 144.

[4] "Journal of House," September 20, 1861, pp. 178–179.

[5] "Journal of Senate," September 20, 1861, p. 146.

war for the Union. Amid perplexities, temptations and dangers, greater, perhaps, than those that threatened any other State, she had striven for Union and peace; and, when peace was seen to be unattainable, she had declared for Union and war.

A CRITICAL BIBLIOGRAPHY OF KENTUCKY HISTORY

A. The Primary Sources consist of State documents and other public and private records; together with a number of accounts of important events, written by the actors themselves, or by others under the personal supervision and criticism of the actors. In this class must be included:

I. "JOURNAL OF CHRISTOPHER GIST." The first published description of the Kentucky district, as distinguished from other portions of the great West, is Christopher Gist's "Journal" of an expedition through Kentucky in 1751, published in Pownall's "Topographical Description of the Middle Colonies of North America" (London, J. Almon, 1776), Appendix VI.

The expedition was made for the purpose of locating lands for the Ohio Company, and the topographical descriptions are, therefore, very carefully prepared.

The map annexed to this volume is the well known map of Lewis Evans, first published in 1755. Full details concerning Pownall's work and the Evans Map will be found in Winsor's "Narrative and Critical History of America," V, pp. 83–85.

II. DR. THOMAS WALKER, "Journal of an Exploration Through Kentucky in the Spring of the Year 1750," with a preface by William Cabell Rives. Small quarto, 69 pages, Boston, Little, Brown & Company, 1888.

This printed copy lacks the pages of the "Journal" from the sixth to the sixteenth of March, and from the eleventh to the nineteenth of April, 1750, but they appear in the manuscript copy of Colonel Durrett's Collection, Louisville, Kentucky, and also in "Filson Club Publication," No. 13, Louisville, Ky., 1898. Walker's explorations were for the purpose of locating lands for the "Loyal Company," and his journal is, therefore, of a character similar to that of Christopher Gist.

III. FILSON'S "KENTUCKE." The first attempt to preserve the early history of Kentucky in book form was made by John Filson. His work is entitled "The Discovery, Settlement, and Present State of Kentucke, and an Essay Toward the Topographical and Natural History of That Important Country." Octavo, 118 pages, Wilmington, Delaware. Printed by James Adams, 1784. It is, to the Kentucky historian, what

Captain John Smith's "True Relation" is to the historian of Virginia. It contains a certificate, signed by Daniel Boone, Levi Todd, and James Harrod, pronouncing it "an exceedingly good performance, containing as accurate a description of our country as we think can possibly be given." It was written, as the author declares, "solely to inform the world of the happy climate and plentiful soil of this favored region." The narrative is as accurate as was possible at that early day; but, in speaking of the first visitors to Kentucky, Filson and his pioneer friends Boone, Todd, and Harrod, are deceived, and claim the honor of discovery for James M'Bride who visited the district in 1754, whereas it had been often visited before that date, and the real discoverer was no less a personage than La Salle who, during his expedition of 1669, passed along the borders of Kentucky, from the Big Sandy to the Rapids of the Ohio.

The most valuable parts of the work, however, are the map which accompanies the volume, and the appendix which contains "the autobiography of Colonel Daniel Boone," as he himself dictated it to the author. The style of this "autobiography" is wholly that of Filson, but the facts presented are undoubtedly the real reminiscences of the great pioneer, and form a story of singular, almost unique, interest.

Concerning the map there was formerly great uncertainty, as no existing copy of the book was known to contain a map, and dealers began to declare that no such map had appeared. The question was definitely settled, however, in 1884, when Colonel R. T. Durrett published a fac-simile of the map in his monograph upon the "Life and Writings of John Filson" ("Filson Club Publications," No. 1).

The first edition of Filson is now exceedingly rare, and commands a very high price. Copies may be seen in the Durrett Library at Louisville, Ky., and at the library of Harvard University.

Reprints and translations are, however, numerous, and their circulation is largely responsible for the world-wide fame of the simple pioneer, Daniel Boone. They are:

1. M. Parraud's French translation, octavo, 254 pages, Paris, France, 1785. This edition is also rare. A well preserved copy may be seen in the Astor Library, New York City.
2. Two German translations, one by Ludwig Heinrich Bronner, octavo, 254 pages, Frankfort, 1785; the other by Chr. Weigel und Schneider, octavo, 124 pages, Leipzig, 1790.
3. Three reprints, made in England in the years 1792, 1793, and 1797, in connection with editions of Gilbert Imlay's "Topographical Description of the Western Territory of North America."

IV. "The Discovery, Purchase, and Settlement of the Country of Kentucky in North America." By Alexander Fitzroy. Octavo, 15 pages. Printed by H. Goldney, No. 15, Pater-Noster Row, London, 1786.

This book, which almost equals in age the more famous work of John Filson, is also exceedingly rare, but is of little value to the historian. Its author was probably a Kentucky land speculator, and the book was evidently compiled from Filson's "Kentucke."

V. "Thoughts on Emigration, to Which Are Added Miscellaneous Observations Relating to the United States of North America and a Short Account of the State of Kentucky." By Harry Toulmin. Octavo, 124 pages. London, 1792, with map.

Of very little practical value to the Kentucky historian of the present day.

VI. "A Topographical Description of the Western Territory of North America." By Gilbert Imlay. Octavo, 248 pages. Printed by J. Dibrett, London, 1792.

Imlay was a captain in the American army during the Revolution, and later "Commissioner for laying out lands on the Back Settlements." This work made him familiar with the American frontier, its climate, its population, its Indian tribes, etc., all of which he here discusses in a series of letters to a friend in England.

A second edition (octavo, 455 pages), containing also the text of Filson's "Kentucke," appeared from the same press in 1793.

In the same year a third edition (2 vols., 12mo, 260 and 204 pages) was printed in New York by Samuel Campbell, which contained both the Filson History and "a delineation of the Laws, and Government of the State of Kentucky."

A fourth edition (octavo, 626 pages), appeared in London in 1797 from the press of J. Dibrett, and contains, besides Filson's "Kentucke," Hutchin's "Topographical Description of Virginia, Pennsylvania, Maryland, and North Carolina," together with other valuable early papers.

VII. "Acts Passed at the First Session of the General Assembly for the Commonwealth of Kentucky," held at Lexington, Monday, June 4, 1792. Printed by John Bradford. Lexington, 1792.

VIII. "The Kentucky Resolutions of 1798 and 1799." Original texts (Durrett's MSS.) as issued by the Kentucky Legislature. These valuable documents were reproduced, the first in fac-simile, in the "Southern Bivouac," B. F. Avery and Sons, March, April and May, 1886. The article in which they there appeared was written by Col. R. T. Durrett.

It proved conclusively that Thomas Jefferson was the real author of these famous Resolutions, and pointed out the changes which they underwent before passing the Kentucky Legislature.

IX. "An Account of the Remarkable Occurrences in His Life and Travels." By Col. James Smith. Octavo, 88 pages. Printed by John Bradford. Lexington, 1799. Durrett Collection.

X. "Laws of Kentucky." By Harry Toulmin. Frankfort, 1802.

XI. On May 15, 1884, Richard H. Collins, William Chenault, John Mason Brown, Basil W. Duke, George M. Davie, James S. Pirtle, Thomas W. Bullitt, Alexander P. Humphrey, Thomas Speed, and Reuben T. Durrett organized, in Louisville, Kentucky, the Filson Club, for the purpose of "collecting and preserving the History of Kentucky, and especially those perishing scraps of history and biography which have never been published." During the twenty-five years of its existence, this club has made many valuable additions to the written history of the State, and has somewhat supplied the lack, long felt by students of Kentucky history, of published collections of State documents.

In each of the twenty-three publications which it has made (publications upon special topics of State History and Biography), have appeared elaborate extracts from original sources in the possession of the club, and often full texts of important documents have been given in the appendices.

XII. In the Appendix of Mann Butler's "History of the Commonwealth of Kentucky" (1834) appear in full a number of important documents:

1. "Journal" of Colonel Croghan (1765).
2. Treaty of Fort Stanwix (1768).
3. Order of Virginia Council to General George Rogers Clark for 500 pounds of gunpowder for defence of the Kentucky frontier, and other important documents relating to history of the State during the period of the Revolution.

The second edition, 1836, contains a still more extended and interesting collection of documents.

XIII. In the Appendix of Mr. William Hayden English's work, entitled "The Conquest of the Country Northwest of the River Ohio, 1778–83" (The Bowen-Merrill Co., Indianapolis, 1896, 2 vols., 1186 pages), appear full texts of the most important documents relating to the life of George Rogers Clark, including:

1. Clark's "Memoir," his last account of his campaigns, probably written at the request of Thomas Jefferson and James Madison.

2. Clark's letter to his friend and patron, George Mason of Virginia, giving the details of his campaigns in the Northwest Territory.
3. Two letters from Major John Bowman, one of Clark's chief officers, who served and perished in the Northwest Campaign. The first is written to George Brinker of Frederick County, Virginia, and is here published for the first time. The other was written to Colonel John Hite of Frederick County, Virginia.
4. Major Bowman's "Journal," giving an account of the proceedings of George Rogers Clark from January 27th, to March 20th, 1779.
5. "Diary of George Rogers Clark from December 25th, 1776, to November 22d, 1777."
6. The author also gives, in the text of his narrative, a number of important documents (relating to this period), which are in the possession of the Indiana Historical Society, of which he was President at the time of the preparation of this work.

XIV. "Political Transactions in and Concerning Kentucky, from the First Settlement Thereof Until it Became an Independent State in June, 1792." By William Littell, Esq. 12mo., 147 pages. Printed by William Hunter, Printer to the Commonwealth, Frankfort, Ky., 1806.

This little volume is one of the most interesting and valuable of the earlier works upon Kentucky History, and is exceedingly rare, the only copy known to the author, being that in Colonel Durrett's Library at Louisville, Kentucky. Its scope is clearly indicated by the title page but, in addition to the narrative itself, its author has preserved, in "an appendix," a number of rare and valuable documents relating to the narrative itself, and throwing much light upon the conflict for independent Statehood.

The last thirty or forty pages of the "narrative" are taken up with a refutation of the "pretended Spanish Conspiracy," and contain many sentences of burning sarcasm and fierce invective against Humphrey Marshall, and "the Caledonian, John Wood, or his man, Joseph M. Street," the editors of the "Western World," through the columns of which the accusations against Brown, Wilkinson, Sebastian, Innis, and Wallace were made. Littell is a strong debater and a forcible writer, but, like Marshall himself, he writes with a personal animus which often leads one to question the accuracy of his statements concerning his opponents.

XV. "Memoirs of My Own Times." By General James Wilkinson. 3 vols. Printed by Abraham Small, Philadelphia, 1816.

These volumes, perhaps unintentionally, throw light upon the Spanish

conspiracy questions, and upon Wilkinson's connection with Burr's mysterious project. They also preserve numerous documents of interest, especially in connection with the latter question. It has been justly remarked that General Wilkinson succeeded in writing a better life than he succeeded in living.

XVI. "The Statutes at Large: Being a Collection of All the Laws of Virginia, 1619–1792." By William Waller Hening. 13 vols. Richmond, 1819.

This remarkable publication is of primary importance to the historian of Kentucky, as only through it can the early laws for the government of Kentucky, and the conditions prevailing there during the long years of dependence upon Virginia be ascertained. It is of especial value in tracing the history of the struggle for independent Statehood, as well as for fixing dates which are often erroneously given in the somewhat illiterate journals of early days. In it appears, in official form, the whole story of Kentucky under Virginia Government.

XVII. "The Statute Law of Kentucky." By William Littell and other editors. 5 vols. Frankfort, 1809, 1810, 1811, 1814, 1819.

In addition to the Statute Law, these rare and valuable volumes, now almost unobtainable, preserve a vast body of documents, charters, ordinances, royal proclamations, etc., many of which can now be found in no other place. The appendix to vol. II, for example, contains all the Acts of Parliament and of Virginia, of a general nature, which remained in force in Kentucky after her admission as an independent member of the Federal Union. The appendix to vol. III, likewise, contains all the acts of Virginia for the establishment and regulation of towns, academies, ferries, and inspectors in the District of Kentucky, and also the text of the act granting land to Richard Henderson and Company. A complete set of these volumes may be seen in the library of Colonel R. T. Durrett of Louisville, Kentucky. I know of no other complete set.

XVIII. "Reports of Cases at Common Law and in Chancery Decided by the Court of Appeals of the Commonwealth of Kentucky." Published under the patronage of the State, by William Littell. 6 vols. Frankfort, 1823. Durrett Collection.

XIX. "The Pioneer in the Kentucky Emigrant." By John Magill. Octavo, 84 pages. Printed by J. B. Marshall, Frankfort, 1832.

A brief topographical and historical description of the State of Kentucky.

XX. Franklin's Works, edited by Jared Sparks, and published by Hil-

liard Gray and Company, Boston, 1849. The set consists of fourteen volumes, and contains a vast collection of valuable documents relating to the early history of America. The larger part of the material relating to Kentucky will be found in vol. IV.

XXI. The Durrett MSS. A collection of manuscript material, largely unpublished, relating chiefly to the early history of Kentucky. It is the chief source of the publications of the Filson Club, and has, by the generosity of its owner, been of great service to numerous investigators in the field of pioneer history. The only collection at all comparable to it is the well-known Draper Collection. Among the more important documents of the Collection are:

1. James McAfee's "Journal of an Exploration Through Kentucky in 1773." Quarto MSS., 41 pages.
2. Robert McAfee's "Journal of an Expedition Through Kentucky in 1773." Quarto MSS., 18 pages.
3. "The Life and Times of Robert B. McAfee," written by himself.
4. "The History of the Rise and Progress of the First Settlement on Salt River and Establishment of the New Providence Church." By Robert B. McAfee.
5. "The General and Natural History of Kentucky." By Robert B. McAfee. MSS., 63 pages.
6. Colonel Richard Henderson's "Journal of an Expedition Through Kentucky and a Residence Therein in 1775." Quarto MSS., 44 pages. This "Journal," in a slightly different form, is preserved among the Draper MSS. (Kentucky MSS., I.)
7. George Rogers Clark to George Mason. A letter giving Clark's own story of his Campaign. MSS., 110 pages. It is dated "Louisville, Falls of Ohio, November 19, 1779." It was first published in 1869, by Robert Clarke and Company, of Cincinnati, as one of the "Ohio Valley Historical Series," with an introduction by the Honorable Henry Pirtle of Louisville, and has been since frequently republished.
8. Clark's "Memoir," MSS., 306 pages. Written at Louisville in the year 1791. Three MS. copies of this important document are known to exist. One the property of the late W. H. English, President of the Indiana Historical Society; one in the Draper Collection of the Wisconsin Historical Society, which, however, is incomplete, owing to the loss of a number of leaves; and the copy here described. It is an invaluable document for any one writing upon the Illinois Campaign. A good reprint, made after a comparison of the three

manuscripts, appears in English's "Conquest of the Country Northwest of the River Ohio," I, pp. 457–561.

9. William Fleming's "Journal of a Tour Through Kentucky, and a residence there in 1779–80." Folio MSS., 47 pages.
10. An unsigned journal of 1783. Folio MSS., 22 pages.
11. Reverend James Smith's "Three Journals of Tours Through Kentucky and Residence There in 1785, 1795, and 1797." Folio MSS., 117 pages.
12. General Butler's "Journal, 1785–86," being a description of a tour through Kentucky in company with James Monroe. MSS., 287 pages.
13. "Autobiography and Diary of Daniel Trabue." Unpublished MS. One of the most perfect and elaborate of the many pioneer journals of the period. Its character will appear through the frequent citations and extracts which appear in Chapter II of the present volume.
14. "Notes on Kentucky." By John Bradford. Quarto MSS., 506 pages. The same may be found in the files of the "Kentucky Gazette" of which Bradford was the editor. They were written between the years 1826 and 1829, and present the early history of the State from the point of view of a remarkably clever and able newspaper man.
15. "Journal of the Proceedings of the House of Delegates or Representatives of the Colony of Transylvania." The details of this Assembly are given in the text of the present volume. The manuscript has been reproduced in part in Collins, II, p. 501.
16. "Kentucky's Historical and Biographical Sketches." MSS., 2 vols. By William H. Perrin.
17. "Papers and Autobiography of Isaac Shelby."
18. "The History of Boyle and Mercer Counties." By Marie T. Davis. Quarto MSS., 185 pages.
19. "The History of the Ohio Valley." By Mann Butler. MSS., 288 pages. Published in the "Western Journal and Citizen," St. Louis. Vols. IX to XIV.

XXII. The Draper Manuscripts, now the property of the Wisconsin Historical Society. The largest and one of the most important collections of manuscripts west of the Alleghanies. It contains, among other things relating to Kentucky history, the papers of George Rogers Clark, and a vast mass of material relating to Daniel Boone, Simon Kenton, the Wars of the West, the pioneer days, etc. Copies of the most impor-

tant of these Kentucky MSS. have been made under the direction and supervision of Colonel R. T. Durrett, and the late John Mason Brown, and are now preserved in the Durrett Collection at Louisville.

XXIII. Family Archives.

1. The Breckinridge MSS. A collection of thirty or forty thousand manuscripts, bequeathed to the Library of Congress, by the late Colonel W. C. P. Breckinridge of Lexington, Kentucky. This collection begins with the year 1752, and extends to the year 1900. There is a gap from 1799 to 1805, but, with this exception, almost every year of this long period is represented by letters and documents, relating chiefly to the Breckinridge family, but relating also to the many public questions with which successive generations of this famous Kentucky family have been associated.

   The collection has not yet been catalogued, and is not yet open to the public.

   For the privilege of examining the collection, and of reproducing one of the letters, the author is indebted to Mr. Desha Breckinridge of Lexington, Kentucky, and to Dean Breckinridge of the University of Chicago.

2. The Brown MSS. A collection of letters belonging to the heirs of the late John Mason Brown. Less extensive, and of less general interest than the Breckinridge MSS.

   For the privilege of examining this collection, the author is indebted to the Misses Brown of Lexington, Kentucky, daughters of the late John Mason Brown.

B. The Secondary Sources are newspapers, and systematic accounts of single events, or of continued periods, written by men who obtained their information chiefly at second-hand, from the various available primary sources. These, for convenience, are divided into,

I. Newspapers.
II. General Histories of the State.
III. Histories of Special Topics.
IV. Miscellaneous.

I. NEWSPAPERS

One of the most interesting sources of Kentucky History is the extensive collection of local newspapers. I have spent many months in the examination of these collections in various places, but mention here only those of special interest, although frequent reference to others will be made in the footnotes, which accompany the text.

1. The "Kentucky Gazette"—spelled Kentucke in the first, and half

of the second volumes—was established at Lexington in 1787, by the brothers John and Fielding Bradford, and the first issue was on August 11th of that year. It has been published continuously ever since, and there is in the Public Library at Lexington, Kentucky, an almost complete collection of the numbers from the very first issue. This paper served as the official press of the conventions which secured the separation from Virginia, and was for years the only source of news open to the citizens of the western country. Its pages are a running commentary upon the history of Kentucky, as it was making, and give perhaps a clearer and truer idea than any other source, of the development of the State, besides preserving numbers of important documents which would otherwise have been lost.

2. The "Palladium," a literary and political weekly. It was issued at Frankfort from August 9th, 1798, to April 20th, 1809, by Hunter and Beaumont. An almost complete file, bound in four volumes, is among the treasures of the Durrett Collection.
3. "The Lexington Reporter," a weekly. A very extensive collection of this paper is preserved in the Lexington Public Library, bound in seventeen volumes, and covering the entire period from 1808–18.
4. "The Mirror," bound in one volume. Durrett Collection. The first and second numbers, September 16th and September 23d, 1797, are missing, but the remaining numbers, running from September 30th, 1797, to June 16th, 1798, show a firm, free and temperate attitude toward such questions as interested or disturbed the little communities of the West in those early days.
5. "The American Republic," Frankfort, 1810–12.
6. "The Argus of Western America," Frankfort, 1824–30.
7. "The Commonwealth," 1838–39.
8. "The Enquirer," Richmond, Kentucky, 1804–1806.
9. "The Kentucky Reporter," Lexington: a remarkably full set preserved in the Lexington Public Library, covering the period from January 6th, 1818, to April 4th, 1832.
10. "The Western Monitor," a weekly published at Lexington. Bound in two volumes, 1818–19. Durrett Collection.
11. "The Patriot" and "The Spirit of '76," Frankfort, 1826. Durrett Collection. These two rival papers were established by the contending parties in the Old and the New Court controversy, "The Patriot" representing the latter, and "The Spirit of '76" the former party.

"The Spirit of '76" is preserved in two forms.

a. The newspapers, comprised in some 69 numbers, the only copy now known being in the Durrett Collection.

b. An octavo volume, printed by J. H. Holeman, containing 352 pages, and also exceedingly rare. A copy in the Durrett Collection.

12. "The Maysville Eagle." Printed and published by Lewis Collins. The Durrett Collection contains four bound volumes of this ably edited newspaper, covering the period, June 9, 1824, to June 15, 1858.

II. GENERAL HISTORIES OF KENTUCKY

1. *Marshall.*

"The History of Kentucky, including an account of the Discovery, Settlement, Progressive Improvements, Political and Military Events, and Present State of the Country." By Humphrey Marshall. Octavo. Frankfort, Ky.

This is the first of the systematic histories of Kentucky. The first edition was published by Henry Gore, Frankfort, Kentucky. Octavo, 407 pages. Volume I, covering the history of the Kentucky region down to the year 1791, appeared in 1812.

The second volume of this edition never appeared, but, in 1824, a second edition in two volumes, octavo, 474 and 524 pages, was published at Frankfort, Kentucky, by George S. Robinson. This second edition presents the history of Kentucky from Findlay's visit, in 1767, to the year 1812, and is remarkable for the large number of important documents embodied in the text,[1] as well as for the vigorous style in which the narrative is presented.

The author entered the State about 1780, and spent some sixty years in active political service. He was a member of the Danville convention of 1787, served many years in the State Legislature, and was United States Senator in 1795–1801. His work is, therefore, mainly an account of events in which he had taken an active part, and his intense personal interest in these events, which are often described so minutely as to be wearisome, is shown by the bitter, and often groundless, accusations which he makes against his political enemies.

This work is the basis of most of the subsequent histories of the

[1] The first volume of this edition contains a reprint of "The Ancient Annals of Kentucky," by Constantine Samuel Rafinesque,—a quaint little semi-scientific account of "the revolutions of nature and nations, in that central part of North America, now known under the name of Kentucky." It first appeared in Frankfort, Ky., in 1824, octavo, 39 pages.

State, and, although open to criticism upon the ground of partiality and even injustice, in specific cases, it cannot be said to lack general accuracy and the historic sense.

Marshall's temper was vindictive, and many a family in Kentucky still smarts under the lash which he laid upon some prominent and cherished ancestor, while others complain that some great-grandfather, who should bulk large in the political history of the State, has lost his rightful place, by virtue of the fact that Humphrey Marshall saw fit to pass over his name in contemptuous silence.

2. *Butler.*

"The History of Kentucky, from its Exploration and Settlement by the Whites, to the Close of the Northwestern Campaign, in 1813." By Mann Butler.

This excellent work was first published by Wilcox, Dickerman & Company, Louisville, in 1834. 12mo., 396 pages. It contained these words at the close of the preface: "Several articles referred to as in the appendix have been unavoidably excluded by the size of the volume. They shall appear in another volume should the public call for its production."

The work was well received and, in 1836, the second edition was published from the press of J. A. James & Company, Cincinnati, Ohio. Octavo, 551 pages. It contained a number of additions and corrections, besides the "articles" referred to in the first edition.

The author had settled in Kentucky in 1806, and was an attentive observer of its history for over thirty years. A large part of his work is, therefore, concerned with events which occurred before his eyes. He enjoyed the friendship of most of the leading men of the State during this period, and in addition had access to a large body of private and public documents. Among the most important of these were the papers of George Rogers Clark, including his correspondence with Patrick Henry and Thomas Jefferson, the McAfee papers, the Shelby, Innis and Floyd papers, and the Treaty of Fort Stanwix then in possession of the Honorable Richard M. Johnson. He gives the list of the earliest printed accounts of the history of the western country, including the work of Lewis Hennepin, which records La Salle's descent of the Ohio, the "History of the Five Nations," by Cadwallader Colden, Esq., the Journal of Major Washington's Mission up the Allegheny, the Journal of Colonel Croghan's descent of the Ohio, Boone's "Narrative," and Marshall's "History of Kentucky." Of the latter he writes:

"This work has formed the substratum of the author's authority for

the current of ordinary events: not without considerable, and as it is believed, important additions."

Butler however, shows a much better appreciation of the relative importance of the events which he is describing, than is shown by Marshall, and his work is on the whole the more satisfactory of the two.

3. *Collins.*

"Historical Sketches of Kentucky, Embracing Its History, Antiquities and Natural Curiosities, Geographical, Statistical and Geological Descriptions; with Anecdotes of Pioneer Life and More than One Hundred Biographical Sketches of Distinguished Pioneers, Soldiers, Statesmen, Jurists, Lawyers, Divines, etc." By Lewis Collins. Published by Lewis Collins, Maysville, Kentucky; and J. A. & W. P. James, Cincinnati, 1847. Octavo, 560 pages.

This is by far the most elaborate and ambitious work yet noticed. It is the "Gazetteer of Kentucky History." It was the first illustrated History of Kentucky, and is a perfect mine of historic lore, but only this, as it is in no way a continuous narrative. The material was collected mainly by H. P. Peers of Maysville, and was at first intended as "simply a Small Gazetteer of the State:" but, upon the death of Mr. Peers, his unfinished and partially arranged work came into the possession of Collins, who decided to re-arrange and publish it, with the sole design, as he says, "to preserve, in a durable form, those rich fragments of local and personal history, many of which exist at present only in the ephemeral form of oral tradition, or are treasured up among the recollections of the aged actors in the stirring scenes, the memory of which is thus perpetuated."

The first eighty pages, in addition to "A Chronological Table of Important Events in the History of Kentucky," contain an excellent "Outline History of Kentucky" up to 1844, written by John A. McClung of Washington. Then comes, "A Sketch of the Court of Appeals"; next, historical sketches of the Baptist, the Christian, the Cumberland Presbyterian, the Episcopal, the Methodist Episcopal, the Presbyterian, and the Roman Catholic Churches in Kentucky; then a chapter of "Miscellaneous Statistics"; then one on the Geological Formation of the State, and an account of "Early Manners and Customs." The rest of the book is given up to the history of each county in the State, with an appendix upon "Science and Literature in Kentucky." It is a compilation of the highest value, and contains practically all the material concerning the history of the State which was then available.

Second Edition, 1874.

Richard H. Collins, the eldest son of the author, prepared a greatly enlarged edition of his father's work, which was published at Covington in 1874. Collins & Company, 2 vols. Octavo, 707 and 804 pages.

This edition contains much material not included in the original volume.

Third Edition, 1877.

Another edition, 1 vol., large octavo, 912 pages, was printed by the author at Louisville, Kentucky, in 1877.

Fourth Edition, 1882.

In 1882 a fourth edition in 2 vols., 683 and 804 pages, was published at Covington, by Collins & Company. In this final edition, which is provided with a very complete index, there appears first a list of "Revolutionary Soldiers in Kentucky." Then follows a "Table of Important Events in the History of Kentucky," bearing the title "Annals of Kentucky" and reciting, in the manner of a daily journal, the more important, and sometimes also the less important, events in the history of the district, and of the State, between 1539 and 1874. The 235 pages which are devoted to these annals are invaluable to the historian of Kentucky, as they furnish an outline such as could not be prepared without years of research. Then follows McClung's "Outline History," also extended by a sketch of the important events from 1844 to the end of the Civil War, written by General George B. Hodge of Newport, Kentucky.

There follows about fifty pages of miscellaneous statistics, most of which are of great value. Then comes a series of chapters on the history of the various religious denominations in Kentucky—Baptist, Christian, Cumberland Presbyterian, Episcopal, Methodist Episcopal, Presbyterian and Roman Catholic, all extended so as to cover the outline of the topics to the date of the publication.

Then follow a series of short chapters upon the following topics: "The Court of Appeals," "Public Education," "First Things in Kentucky," "Free-Masonry," "Odd-fellowship," "Internal Improvements," "Kentucky Poets and Poetry" (a series of brief biographical sketches with selections from the works of the poets), and a similar chapter upon the "Artists of Kentucky."

A table of distances and a list of post offices in Kentucky are then inserted and finally, a chapter upon the "Historians of Kentucky" which gives a brief bibliography of Kentucky history, embracing Filson, Littell, Humphrey Marshall, Mann Butler, Lewis Collins,

William B. Allen and himself, with "other works upon the history of Kentucky," in which subsidiary list he rightly places Toulmin, Imlay, McAfee, Metcalfe, McClung, Morehead, J. J. Hall, and John Bradford. The first volume closes with a very exhaustive index.

Volume II deals exclusively with the "Histories of Counties of the Commonwealth," and of course repeats much that appears also in the first volume. It also contains a very complete index.

On the whole these two volumes constitute a Gazetteer of Kentucky History which is surpassed by that of no other State, and contain about all the raw material necessary for the compilation of a very minute history of Kentucky, through the Civil War Period.

4. *Arthur and Carpenter.*

"The History of Kentucky." By T. S. Arthur and W. H. Carpenter. 12mo., 316 pages. Lippincott, Grambo & Company, Philadelphia, 1852.

This little volume belongs to a series known as the "Cabinet Histories of the States." It is a bit of "hack work," having little interest or value.

5. *Allen.*

"A History of Kentucky, Embracing Gleanings, Reminiscences, Antiquities, Natural Curiosities, Statistics, and Biographical Sketches." By William B. Allen. Octavo, 449 pages. Bradley & Gilbert, Louisville, Kentucky, 1872.

It is a compilation of no particular merit or interest.

6. *Shaler.*

"Kentucky," in the American Commonwealth Series. By N. S. Shaler. Small octavo, 433 pages. Houghton, Mifflin & Company, Boston, 1885.

This is the most readable and reliable narrative history of Kentucky: but it is scarcely more than a sketch, covering the entire field from the earliest settlements to the date of publication. The author frankly admits that he has made no attempt to investigate his subject from the sources, and draws most of his material directly from Collins, Marshall and Butler.

Of the Civil War period, however, he writes as an eye witness, and his narrative represents the point of view of a distinct Unionist. Some of his generalizations concerning the effect of geological formations upon the institution of slavery are particularly interesting, as the writer was a professional geologist.

7. *Smith.*

"The History of Kentucky." By Z. F. Smith. Large octavo, illustrated, 825 pages. Louisville Courier-Journal Job Printing Company, 1886.

This work, which is very elaborate, and which covers the history of the State up to 1886, was published by subscription. It shows unmistakable signs of hasty preparation, and an insufficient study of the subject, the material being presented in a very crude and undigested form. It is, however, vastly superior to the Battle-Perrin-Kniffin compilation, the only work with which it can be fairly compared.

A second edition, "Centennial," 1892, 916 pages.

A third edition, 1895, 848 pages.

A School Edition, 1889. Small octavo, 240 pages.

That the author is capable of historical work of a much higher order, is shown by his excellent monograph of the Battle of New Orleans, to be discussed later, under the head of Filson Club Publications.

8. *Battle.*

"Kentucky, a History of the State." By J. H. Battle, W. H. Perrin, and G. C. Kniffin. Quarto, illustrated, 868 pages. F. A. Battey & Company, Louisville and Chicago, 1885.

A rather forbidding compilation, intended as a popular history of the State. It is of little interest except for the period just before the Civil War.

It has gone through five editions, the fifth having appeared in 1887.

9. *Histories of Kentucky, designed for young readers.*

a. "School History of Kentucky." By Z. F. Smith. Prepared from the author's larger work, for use in Kentucky schools. Small octavo, 240 pages. The Courier-Journal Job Printing Company, Louisville, 1889.

b. "Kentucky." By Emma Conelly. Story of the States Series, Boston, 1891.

c. "Kentucky." By Elizabeth Shelby Kinkead. Octavo, 288 pages. American Book Company, New York, Cincinnati, Boston, 1896. Well written and suitable as a text-book for those wishing a brief and interesting account of the general facts of Kentucky history. The appendix contains the new Constitution of the State.

d. "A Young People's History of Kentucky for Schools and General Reading." By Ed. Porter Thompson. Octavo, 344 pages. A. R. Fleming Publishing Company, St. Louis, 1897.

III. SPECIAL TOPICS IN KENTUCKY HISTORY

It is obviously impossible to give, within a reasonable compass, anything like an exhaustive list of the publications touching upon special topics of Kentucky history: but the following is a list of the most valuable of this character, arranged, for convenience of reference, under five heads:

A. The Filson Club Publications.
B. Biographical and Genealogical.
C. Ecclesiastical and Religious.
D. County and Town Histories.
E. Military Affairs.

A. The publications of the Filson Club are as follows:

1. "The Life and Writings of John Filson, the first historian of Kentucky." By Reuben T. Durrett, LL. D., 132 pages, 1884.
2. "The Wilderness Road." By Captain Thomas Speed, 85 pages, 1886.
3. "The Pioneer Press of Kentucky." By William Henry Perrin, 154 pages, 1888.
4. "The Life and Times of Judge Caleb Wallace." By William Whitsitt, D.D., LL. D., 154 pages, 1888.
5. "An Historical Sketch of St. Paul's Church, Louisville, Kentucky." By Reuben T. Durrett, LL. D., 75 pages, 1889.
6. "The Political Beginnings of Kentucky." By Colonel John Mason Brown, 263 pages, 1889.
7. "The Centenary of Kentucky." By Reuben T. Durrett, LL. D., 200 pages, 1892.
8. "The Centenary of Louisville." By Reuben T. Durrett, LL. D., 200 pages, 1893.
9. "The Political Club." By Captain Thomas Speed, 180 pages, 1894.
10. "The Life and Writings of Constantine Samuel Rafinesque." By Richard Ellsworth Call, M. A., M. Sc., M. D., 239 pages, 1895.
11. "The History of Transylvania University, the First Seat of Higher Education West of the Alleghany Mountains." By Robert Peter, M. D., and Miss Johanna Peter, 202 pages, 1896.
12. "The Siege of Bryant's Station, August the 15th, 1782, and the Memorial Proceedings on the 18th of August, 1896, in Honor of its Heroic Mothers and Daughters." Edited by Reuben T. Durrett, LL. D., 277 pages, 1897.
13. "The First Explorations of Kentucky." The Journals of Doctor Thomas Walker, 1750, and of Colonel Christopher Gist, 1751. Edited by Colonel J. Stoddard Johnston, 256 pages, 1898.
14. "The Clay Family." Part First. "The Mother of Henry Clay."

By Zachary F. Smith. Part Second: "The Genealogy of the Clays." By Mrs. Mary Rogers Clay, 276 pages, 1899.

15. "'The Battle of Tippecanoe." Part First: "The Battle and the Battle-ground." Part Second: "Comment of the Press." Part Three: "Roll of the Army Commanded by General Harrison." By Captain Alfred Pirtle, 158 pages, 1900.

16. "Boonesborough, a Pioneer Town of Kentucky; Its Origin, Progress, Decline and Final Extinction." By George W. Ranck, 286 pages, 1901.

17. "The Old Masters of the Blue Grass." By General Samuel W. Price, 181 pages, 1902.

18. "The Battle of the Thames." By Colonel Bennett H. Young, 288 pages, 1903.

19. "The Battle of New Orleans." By Zachary F. Smith, 224 pages, 1904.

20. "The History of the Medical Department of Transylvania University." By Doctor Robert Peter, deceased. Prepared for publication by his daughter, Miss Johanna Peter, 205 pages, 1905.

21. "Lopez's Expeditions to Cuba." By A. C. Quisenberry, 172 pages.

22. "The Quest of a Lost Race." By Thomas E. Pickett, M.D., LL. D., 229 pages, 1907.

23. "Traditions of the Earliest Visits of Foreigners to North America." By Reuben T. Durrett, 176 pages, 1908.

The volumes of this notable series are by no means of uniform merit: but all are based upon a thorough and conscientious study of the sources, both primary and secondary, and all are of value to the student of Kentucky history.

The most valuable and interesting number is the sixth, the "Political Beginnings of Kentucky," by the late John Mason Brown, a writer of unusual keenness of vision. It was written in the interest of an ancestor, John Brown, Kentucky's first representative in the United States Senate, whose name has long been connected with the Spanish intrigues of early days; but it presents an admirable sketch of the formation of the Commonwealth, and its long conflict for independent statehood, and rests upon careful and scholarly research. I freely acknowledge my large indebtedness to it in the treatment of these topics.

Of scarcely less value, and of more general interest, are numbers eighteen and nineteen. Colonel Young's "Battle of the Thames," the first of these, while representing less minute investigation than the volume just described, gives a very detailed and spirited account of that important engagement, in which Kentucky troops showed to the best

advantage. The second, Smith's "Battle of New Orleans," is an excellent and scholarly presentation of the details of one of our greatest national engagements. It traces clearly the part played by the Kentucky troops, and thoroughly refutes the charge of inglorious flight made against them in General Jackson's official report. To each of these volumes I am indebted for much of the material presented in corresponding chapters of the present work.

I wish also to acknowledge a similar indebtedness to the seventh and eighth volumes of the series, which embody the mature opinions of Colonel Reuben T. Durrett, President of the Filson Club, and real father of the organization.

B. Biographical and Genealogical

a. Boone.

1. "Mountain Muse, or Adventures of Daniel Boone." By Daniel Bryan. Harrisonburg, 1813.
2. "Life and Adventures of Colonel Daniel Boone, the first White Settler of the State of Kentucky, comprising an account of his first excursion to Kentucky in 1769, then a wild wilderness, inhabited by no other human beings but savages; his removal here with his family in 1773, and of his various encounters with the Indians, from the year 1769 to 1782. Written by Himself. To which is added a narration of the most important incidents of his life from the latter period, until the period of his death, June 27, 1821, at the advanced age of ninety years; comprising an account of his many hair-breadth escapes, while in pursuit of the wild beasts of the forest, his favorite amusement until the day of his death." Printed by H. Trumbull. Providence, 1824.

   Annexed is a Eulogy of Colonel Boone, and his choice of life, by Lord Byron.

   The only copy of this work, of which I have any knowledge, was recently upon exhibition in the Louisiana Collection of the Congressional Library. It seems probable that it is the work of John Filson.
3. "Biographical Memoir of Daniel Boone." By Timothy Flint. Octavo, 252 pages. Published by George Conclin, Cincinnati, 1844.
4. "Life of Daniel Boone." By John M. Peck. (In Spark's "American Biography.") Boston, 1845.
5. "Daniel Boone and the Hunters of Kentucky." By W. H. Bogart. 464 pages. Miller, Orton, and Mulligan, New York and Auburn, 1856.

6. "Life of Daniel Boone." By Cecil B. Hartley. Octavo, 361 pages. Porter & Coates, Philadelphia, 1865.
   Romantic and not always reliable.
7. "Daniel Boone." By George Canning Hill. Octavo, 262 pages. J. B. Lippincott & Company, Philadelphia, 1865.
8. "Life of Daniel Boone." By John S. C. Abbott. 331 pages. Dodd, Mead & Company, New York, 1872.
   Romantic and not always reliable.
9. "Life and Times of Colonel Daniel Boone." By Edward S. Ellis. Octavo, 269 pages. Porter & Coates, Philadelphia.
10. "Facts and Incidents Not Heretofore Published About Daniel Boone." By John P. Hale. 18 pages. Lewis Baker & Company, Charleston, West Virginia. (Not dated.)
11. "Daniel Boone: Contribution Toward a Bibliography of Writings Concerning Daniel Boone." By William Harvey Miner. 32 pages. Published by the Dobdin Club, New York, 1901.
12. "Daniel Boone." By Reuben Gold Thwaites. 12mo., 257 pages. D. Appleton & Company, New York, 1902.
13. "Daniel Boone and the Wilderness Road." By H. Addington Bruce. Illustrated. New York, The Macmillan Company, 1908.
14. "Daniel Boone: Backwoodsman." By C. H. Forbes. J. B. Lippincott & Company, 1908.

b. Burr.

1. "The Trial of Colonel Aaron Burr on an Indictment for Treason, Before the Circuit Court of the United States, Held in Richmond (Virginia), May Term, 1807." Including arguments and decisions taken in shorthand by T. Carpenter. Three vols. Washington City, Westcott & Company, 1807.
2. "Reports of the Trials of Colonel Aaron Burr, Late Vice-President of the United States, for Treason and for a Misdemeanor, in Preparing the Means of a Military Expedition Against Mexico, a Territory of the King of Spain, with Whom the United States Were at Peace." Taken in shorthand by David Robertson. Two vols. Hopkins & Earle, Fry & Kammerer, Printers, Philadelphia, 1808.
3. "Two Principal Arguments of William Wirt, Esquire, on the Trial of Aaron Burr for High Treason, and on the Motion to Commit Aaron Burr and Others for Trial in Kentucky." From the press of Samuel Pleasants, Jr., Richmond, 1808.
4. "The Life of Aaron Burr." By Samuel L. Knapp. New York, Wiley & Sons, No. 161 Broadway, 1835.

5. "Memoirs of Aaron Burr with Miscellaneous Selections from his Correspondence." By Mathew L. Davis. Two vols. Harper & Brothers, No. 82 Cliff Street, New York, 1836.
6. "Life and Times of Aaron Burr." By James Parton. Two vols. New York, Boston, Philadelphia, Chicago, London, 1864.
7. "The Aaron Burr Conspiracy." By W. F. MacCaleb. Dodd, Mead & Company, 1903.

c. "The Life of Herman Blennerhassett." By William H. Safford. Chillicothe, 1850.

d. Henry Clay.

1. "Biography of Henry Clay." By George D. Prentice. 304 pages. Hartford, 1831. Extends only to end of John Quincy Adams' Administration.
2. "Life and Public Services of Henry Clay." By Epes Sargent. New York, 1842.

   New and enlarged edition, New York, 1848. The last edition brings the Memoir down to the spring of 1848.
3. "Life and Speeches of Henry Clay." Compiled and edited by Daniel Mallory. Two vols. New York, 1843.
4. "Life and Times of Henry Clay." By Calvin Colton. Two vols. New York, Second Edition, 1846.

   The author enjoyed free access to Mr. Clay's papers, and intimacy with Mr. Clay himself.
5. "Private Correspondence of Henry Clay." Edited by Calvin Colton. One edition bears the imprint of H. W. Derby, Cincinnati, 1856; and another, that of Frederick Parker, Boston, 1856.
6. "The Last Seven Years of the Life of Henry Clay." By Calvin Colton. New York, 1856.
7. "Works of Henry Clay." Edited by Calvin Colton. 6 vols. New York, 1855.

   The first three volumes contain the history of his life, the fourth contains his letters, and the other two his speeches. New Edition, New York, 1863.
8. "Life and Speeches of Henry Clay." Anon. 2 vols. Greeley & McElrath, New York, 1843.

   The "Memoir," extending over 198 pages of vol. I, sketches Clay's career down to the opening of 1842.
9. "Monument to the Memory of Henry Clay." By A. H. Carrier. Published by subscription, by Duane Rulison, Philadelphia, and W. A. Clarke, Cincinnati. One vol., 516 pages.
10. "Life of Henry Clay." In "Young American's Library."

Published by Lee & Shepard, Boston, and Lee, Shepard & Dillingham, New York, 1875. One vol., 240 pages.

11. "Speeches of the Honorable Henry Clay, in the Congress of the United States." By Richard Chambers. Published by Shepard & Stearns, Cincinnati, 1842. One vol., 504 pages.

12. "Letters of the United Provinces of South America, Addressed to the Honorable Henry Clay, Speaker of the House of Representatives of the United States." By Don Vicente Pazos. Translated from the Spanish, by Platt H. Crosby. Printed by J. Seymour, New York, and J. Miller, London, 1819. One vol., 257 pages.

13. "Henry Clay." American Statesmen Series. By Carl Schurz. Two vols. Boston, 1887.

The best discussion of Clay's relationship to the political history of his generation.

14. "Life and Times of Henry Clay." By Samuel Mosheim Schmucker. One vol., 432 pages. Published by G. G. Evans, 439 Chestnut St., Philadelphia, 1860.

15. "Works of Henry Clay," comprising the Life, Correspondence and Speeches. Edited by Calvin Colton, with an Introduction by Thomas B. Reed, Speaker of the House of Representatives, and a history of the Tariff Legislation from 1812 to 1896, by William McKinley, President of the United States.

This is the most recent and most attractive edition of Mr. Clay's Works. It is complete in 7 vols., and was published at New York, Henry Clay Publishing Company, 1897.

e. "Autobiography of Amos Kendall." Edited by his son-in-law, William Stickney. 700 pages. Boston, Lee & Shepard. New York, Lee, Shepard & Dillingham, 1872.

This volume, of especial interest to all students of the Jacksonian Epoch, contains much valuable material bearing specifically on Kentucky.

f. "The Life and Services of Matthew Lyon." By Plinny H. White. Octavo, 26 pages. Burlington, 1858.

g. "Life of John J. Crittenden." By Mrs. Chapman Coleman. Two vols. Philadelphia, 1871.

h. "Biographical Sketches of General Nathaniel Massie, General Duncan McArthur, Captain William Wells, and Simon Kenton." By John McDonald. Octavo, 267 pages. E. Morgan & Son, Cincinnati, 1828.

i. "The Biographical Encyclopedia of Kentucky." Quarto, 792 pages,

illustrated. J. M. Armstrong & Company, Cincinnati, Ohio, 1878.

j. "Biographical Cyclopaedia of the Commonwealth of Kentucky." Quarto, 631 pages. John M. Gresham Company, Chicago and Philadelphia, 1896.

k. "George Robertson's Scrap-book." A. W. Elder, Printer and Publisher, Lexington, 1855.

From the point of view of political history, this is perhaps the most valuable of the purely personal collections which have come down to us from the early days of Kentucky. It is, in the main, a collection of speeches, but it contains a large and most interesting collection of material relating to the leading public questions of the day. It is almost invaluable for the study of the conflict between the Old and the New Court parties.

l. "Writings and Speeches of Thomas F. Marshall." By W. L. Barre. Cincinnati, 1858.

m. "Pioneer Life in Kentucky." A series of reminiscential letters from Daniel Drake, M.D., of Cincinnati, to his children. Edited, with Notes and a Biographical Sketch, by his son, Charles D. Drake. Octavo, 263 pages. Robert Clarke & Company, Cincinnati, 1870.

n. "The Taylor Family in Kentucky." By Richard H. Collins. "The Age." Louisville, May 3, 1879.

o. "The Life of Cassius Marcellus Clay. Memoirs, Writings, and Speeches, Showing His Conduct in the Overthrow of American Slavery, the Salvation of the Union, and the Restoration of the Autonomy of the States. Written and compiled by himself." J. Fletcher Brennan & Company, Cincinnati, Ohio, 1886. Sold by subscription only.

Only the first volume of this extraordinary book appeared; but it is of thrilling interest, and of unique value for the study of the Anti-Slavery Movement of the West.

p. "Ben Hardin, His Times and Contemporaries," with selections from his speeches. By L. P. Little. Louisville, 1887.

q. "Historic Families of Kentucky." By Thomas Marshall Green. Octavo, 304 pages. Robert Clarke & Company, Cincinnati, 1889.

C. Ecclesiastical and Religious.

1. "The Kentucky Revival, or a Short History of the Late Extraordinary Outpouring of the Spirit of God." By Richard McNemar. Octavo, 129 pages. John W. Brown, Cincinnati, 1808.

2. "History of the Cumberland Presbyterians." By Reverend Thomas Cleland. Lexington, 1823.
3. "An Outline of the History of the Church in the State of Kentucky, During a Period of Forty Years, Containing the Memoirs of Reverend David Rice, and Sketches of the Origin and Present State of Particular Churches, and of the Lives and Labours of a Number of Men Who Were Eminent and Useful in Their Day." Octavo, 420 pages. Collected and arranged by Robert H. Bishop, Professor of History in Transylvania University, Lexington. Printed and published by Thomas T. Skillman, 1824.
4. "A History of Ten Baptist Churches." By John Taylor. Octavo, 300 pages. Printed by J. H. Holeman, Frankfort, Kentucky, 1826.
5. "History of Clear Creek Church, and Campbellism Exposed." By John Taylor. Octavo, 60 pages. A. G. Hodges, Frankfort, Kentucky, 1830.
6. "Sketches of the Early Catholic Missions in Kentucky; from Their Commencement in 1787 to the Jubilee of 1826–27." By M. J. Spalding. Octavo, 308 pages. Louisville and Baltimore, 1844.
7. "History of the Presbyterian Church in Kentucky." By Robert Davidson. Octavo, 371 pages. New York, Pittsburg and Lexington, 1847.
8. "History of Kentucky Baptists." A Series of Articles in "Christian Repository," 1856–58. By S. H. Ford.
9. "Historical Sketches of Christ Church." By James Craik. Octavo, 137 pages. John P. Morton & Company, Louisville, 1862.
10. "The History of Methodism in Kentucky." By Reverend A. H. Redford. 3 vols., octavo, 479, 554 and 512 pages. Southern Methodist Publishing Company, Nashville, Tennessee, 1868.
11. "Western Cavaliers, Embracing the History of the Methodist Episcopal Church in Kentucky." By A. H. Redford. Octavo, 552 pages. Southern Methodist Publishing Company, Nashville, Tennessee, 1876.
12. "The Centenary of Catholicity in Kentucky." By Ben. J. Webb. Octavo, 594 pages. Charles A. Rogers, Louisville, 1884.
13. "A History of Kentucky Baptists." By H. H. Spencer. 2 vols., octavo, 767 and 671 pages. J. R. Raumes, Cincinnati, 1885.
14. Memorial volume, containing the papers and addresses that were delivered at the jubilee of the General Association of Baptists in Kentucky. Octavo, 150 pages. John P. Morton & Company, Louisville, 1888.
15. "The Presbyterian Church in Louisville." By Reverend Edward L. Warren. Quarto, 36 pages. American Biographical Publishing Company, Chicago and New York, 1896.

16. Addresses Delivered at the Jubilee of the Louisville Conference of the Methodist Episcopal Church, South, Held at Hopkinsville, Kentucky, September 24–28, 1896. Published by request of the Conference, and for the benefit of the Preachers' Aid Society. Edited by R. W. Browder, Nashville, Tennessee. Publishing House of the Methodist Episcopal Church, South, Barbee & Smith, Agents, 1897.

D. County and Town Histories.

1. "The History of Grant County, State of Kentucky." By Robert E. Elliston. Octavo, 37 pages. Published by E. H. Eyer. Williamstown. No date.
2. "Sketches of Louisville and Its Environs." By H. McMurtrie. Octavo, 255 pages. Shadrach Penn, Louisville, Kentucky, 1819.
3. The Louisville Directory for the year 1832, to which are annexed lists of the Municipal, County, and State Officers; with a list of Various Societies and their Officers. Also an Advertisement. Published by Richard W. Otis, Louisville, 1832.
4. Sketch of Louisville in the Directory of 1832. By Mann Butler.
5. An address in commemoration of the first settlement in Kentucky, delivered at Boonesborough, May 25th, 1840. By Governor James T. Morehead. Octavo, 181 pages. A. G. Hodges, Frankfort, Kentucky, 1840.
6. "The History of Louisville from Its Earliest Settlement Till the Year 1852." By Ben. Casseday. Octavo, 255 pages. Louisville, Kentucky, 1852.
7. "Louisville, Her Commercial, Manufacturing and Social Advantages." By Richard Deering. Octavo, 99 pages. Hanna & Company, Louisville, 1859.
8. "History of Campbell County." By Mary K. Jones. Newport, 1861.
9. "History of Lexington, Kentucky." By George W. Ranck. Octavo, 428 pages. Robert Clarke & Company, Cincinnati, 1872.
10. "Louisville Past and Present." By M. Joblin & Company. Large octavo, 357 pages. John P. Morton & Company, Louisville, 1875.
11. "Early History of Jessamine County, Kentucky." By Samuel M. Duncan. Nicholasville, Kentucky, 1876.
12. "A Sketch of Paris, Bourbon County, Kentucky." By C. R. Keller. Octavo, 46 pages. C. R. Keller, Paris, Kentucky, 1876.
13. "The History of Russellville, Logan County, Kentucky." By Alexander C. Finley. The Herald Enterprise Company, 1878, 1879, 1890.
14. "Historical Address at the Centennial Celebration of the Settlement

of Lexington, Kentucky." By George W. Ranck. Octavo, 11 pages. Transylvania Printing Company, Lexington, Kentucky, 1879.

15. "First Settlement at Lexington, Kentucky." By Richard H. Collins. "The Age," Louisville, April 19th, 1879.

16. "Historical Sketch of Montgomery County, Kentucky." By Richard Reed. Octavo, 69 pages. Mount Sterling Democrat Job Room, 1882.

17. "History of Fayette County, Kentucky." By Wm. H. Perrin. Quarto, 905 pages. O. S. Baskin & Company, Chicago, 1882.

18. "History of the Ohio Falls Cities and Their Counties." By Henry A. Ford and Kate Ford. 2 vols., large octavo, 611 and 572 pages. Williams & Company, Cleveland, 1882.

19. "History of Bourbon, Scott, Harrison and Nicholas Counties, Kentucky." By William Henry Perrin. Quarto, 815 pages. O. L. Baskin & Company, Chicago, 1882.

20. "Address Delivered at the Centennial Celebration of the Settlement of Breckinridge County, Kentucky." By W. C. P. Breckinridge. Octavo, 40 pages. Frankfort Yeoman Print, 1882.

21. "Oration at the Centennial of the Battle of the Blue Licks." By John Mason Brown. Frankfort, 1882.

22. "The Early History of Madison County." By William Chenault. Durrett MSS.

23. "Siege of Bryan's Station." By Richard H. Collins. Louisville "Courier-Journal," August 20th, 1882.

24. "The Battle of the Blue Licks." By R. T. Durrett, Louisville "Commercial," August 19th, 1882.

25. "Memoirs of Old Maysville, Kentucky." "O. B.'s" Reminiscences. Octavo, 75 pages. New Republican Print, Maysville, Kentucky, 1883.

26. "History of Daviess County, Kentucky." Octavo, Chicago, 1883.

27. "County of Christian, Kentucky. Historical and Biographical." By William Henry Perrin. Large octavo, 656 pages. F. A. Battey Publishing Company, Chicago and Louisville, 1884.

28. "Counties of Christian and Trigg, Kentucky. Historical and Biographical." By William Henry Perrin. Large octavo, 319 pages. F. A. Battey Publishing Company, Chicago and Louisville, 1884.

29. "Counties of Todd and Christian, Kentucky. Historical and Biographical." By J. A. Battle and William H. Perrin. Large octavo, 327 pages. F. A. Battey and Company, Chicago and Louisville, 1884.

30. "History of Union County, Kentucky." Anon. Octavo, 896 pages. Courier Company, Printers, Evansville, Indiana, 1886.

31. "The City of Louisville and a Glimpse of Kentucky." Anon. Quarto, 156 pages. Louisville Board of Trade, 1887.
32. "History of Henderson County, Kentucky." By Edmund L. Starling. Octavo, 840 pages. Henderson, Kentucky, 1887.
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INDEX

PAGE

ABBOTT, Governor of Vincennes, 90
Abolition before 1829, 409
Abolitionist, first, in Kentucky, 410
Abolitionists and Fugitive Slave Law, 475
Adair, General John, 304, 305, 307
  borrows city arms of New Orleans, 359
  correspondence with Jackson, 372
  second in command of Kentucky troops at New Orleans, 357
Adams, John, 214, 263, 264
Adams, John Quincy, 373
  candidate for president, 389
  elected by Clay, 392
  Florida treaty, 413
  views on navigation of Mississippi, in negotiations of Ghent, 374, 375
Address of Second Assembly (text), 122–125
  Third Assembly (text), 126–128
  asking admission for Kentucky, 146
Agreement, Buckner-McClellan, concerning Kentucky neutrality, 530–534
"Alabama letters," Clay's, 419
Alien law, 217, 218
Allen, Colonel of Kentucky volunteers (1812), 337, 338
  death, 340
  praised by Harrison, 355
Amendment, Dixon's, to Douglas' Nebraska bill 490

PAGE

Amendment, Douglas adopts Dixon's, 493
Ames, Fisher, 194
Amherstburg, Fort, 336
Anderson, Major Robert,
  assumes command at Fort Moultrie, 504
  transfers garrison to Fort Sumter, 505
  to Floyd. 505
  declines to evacuate Fort Sumter, 516
Anti-Relief party, 387
  supports Clay in 1824 391
Arnaud, Major, 367, 368
Articles of Capitulation, Vincennes (text), 95
Assembly, Kentucky,
  First (deliberative), 118
  Second, 119, 121
  Third, 125
  Fourth, 130, 131
  Fifth, 136
  Sixth (constitutional), 137
  Seventh, 139
  Eighth, 143
  Ninth, 144
  Tenth (constitutional), 145
Assembly, Virginia,
  receives petition asking separation, 128
Atchison, David R., 485, 487

BANK,
  Kentucky Insurance Company as, 379
  of Kentucky, chartered, 380

PAGE

Bank, of Kentucky,
loans funds to State, 519
suspends, May 4, 1820, 384
Forty Independent ("Forty Thieves"), chartered, 382
failed, 383, 397
of Commonwealth, chartered, 385
National, bill for recharter, 400
vetoed, 401
branches established in Kentucky, 383
controls Kentucky finances, 397
Barrett, George, 533
Batts, Captain Thomas, 3
Bayard, James A., 373, 375
Beatty, Major Erkuries, 147
Beauregard, General, 515
demands surrender of Fort Sumter 516
Bell and Douglas consolidated parties, resolutions of, 508
Bell, John, 498
Benton, Thomas H., 485
Bigger, Judge, 533
Birney, James G., 417, 422
Blair, Judge,
opinion concerning replevin law, 387
Blennerhassett, Herman,
correspondence and conferences with Aaron Burr, 289–292
provides boats for Burr 292
and Jefferson's agent, 308
Blue Licks, battle of, 109–111
Boiling Spring, 40, 41
Boone, Daniel, 19, 22, 23, 24, 25, 26, 33, 36, 37
sketch of early life and characteristics, 13–16
first glimpse of Kentucky, 18
captured by Indians, 20
winters in Kentucky, 21

PAGE

Boone, Daniel, unsuccessful attempt to settle Kentucky, 27, 28
warns settlers to retire to Virginia, 29
builds Wilderness Road, 35
to Henderson, 38, 39
carries Dunmore's warning, 41
as committeeman, 47
captured at Blue Licks, 77, 78
captivity of, 79
defends conduct at Blue Licks, 81
at battle of Blue Licks, 109, 110
to Governor Harrison, 111
Boone, Squire, 21, 22, 24, 25
Boonesborough, 35, 36, 39, 45, 49, 80, 81, 85, 86
Hamilton plans capture of, 67
attacked, 69
siege of, 82–84
Border Slave States Convention, 529
Borland, Major, 432, 433
Bowman, Joseph, 93, 96
relieves Logan's Fort, 71
captures Cahokia, 89
Boyd, Linn, 499
Breckinridge, John, 227, 228
presents Kentucky resolutions of 1798, 244
defends Kentucky resolutions of 1798, 245–247
to Jefferson, 255, 256
presents Kentucky resolutions of 1799, 256–261
Breckinridge, John C., candidate for president, 498
defends States rights before Kentucky Legislature (1861), 514
one of "Six Arbiters," 524
Brown, John, 133, 138, 140, 279, 280, 307
leader of Court party, 135

PAGE
Brown, John, first Congressional delegate of Kentucky, 136
to McDowell, 137
Seventh Assembly, 139
conference with Knox and Washington, 156
Brown, Samuel, 334
Bryant's Station, siege of, 107–109
Buchanan, James, 428, 445, 497
president, 497
message of Dec. 3, 1860, 500
truce with southern leaders, 506
Buckner, General Simon Bolivar, 520
conference with McClellan at Cincinnati, 530
report to Magoffin, 531, 532
conference with McClellan at Cairo, 533
conference with Lincoln, 535
Buena Vista, battle of, 438–443
Kentucky troops in, 439–443
Bullock, Colonel,
Cairo interview, 533, 534
Bull Run, battle of, 537
Burr, Aaron, 296, 297
vice-president, 264
visits Kentucky, 277
duel with Hamilton, 277
last appearance in Senate, 278
preliminary intrigues of, 279
meets Wilkinson at Pittsburg, 280
at Fort Massac, 281
rumors concerning, 282, 283
personal appearance, 284–286
at St. Louis, 287
and Eaton, 288, 289
and Blennerhassett, 289–292
"Western World" charges against, 293–295
trial in Kentucky, 299–307
declaration of innocence, 302, 303

PAGE
Burr, Aaron, Daveiss indictment of (text), 306, 307
acquittal, 308
Wilkinson's betrayal of, 309
cipher letter to Wilkinson (text), 309–311
trial at Richmond, 312, 313
Butler, Wm. O., 429, 432
Byrd, Colonel, 103

CAHOKIA,
Bowman's capture of, 89
Cairo, McClellan-Buckner interview at, 533
Bullock's account of interview at, 534
Caldwell, Captain Wm., 106
Calhoun, John C.,
compromise of 1833, 403
compromise of 1850, 466
California, gold discovered in, 455
growth of population, 457
Wilmot Proviso, 458
Taylor urges admission of, 461
Clay's speech on admission, 464
Cameron, Simon, 517
Carolina, South, nullification, 401
Kentucky legislature condemns, 404
Carondelet, 200, 201, 202, 204
propositions of, 204–206
Cass, Lewis, 451
Cerro Gordo, 443
Chase, Salmon P., 496
Chesapeake, affair of, 315, 316
Chillicothe, Clark captures, 104
Cincinnati, Buckner-McClellan conference at, 530
Clark county resolutions 220–222
Clark, George Rogers, 56, 57, 58, 59, 60, 62, 63, 64, 66, 67, 72, 86, 87, 88, 89, 90, 91, 103, 111, 112, 134, 171, 172, 196
visits Patrick Henry, 73

PAGE

Clark, George Rogers,
marching orders (1778), 74
his powers of enlistment for northwestern campaign, 76
starts march against northwestern posts, 85
to Governor Patrick Henry (text), 91–93
reaches Vincennes, 93
proclamation at Vincennes (text), 94
colonel, 96
captures Chillicothe, 104
major-general in armies of France, 170
Clark, Judge James, opinion concerning replevin law, 387
Clay, Cassius M., 417, 418, 432, 433
at Yale, 409
first abolitionist in Kentucky, 410
begins crusade against slavery, 411
to Henry Clay, 420
"True American," 425–427
Clay, General Green, 344, 345, 409
Clay, Henry, 324, 330, 331, 376, 405, 417, 418, 422, 423, 424, 447, 451, 452, 458, 460, 463, 464, 471, 477
early life, 223, 224
speech against alien law, 224, 225
counsel for Burr, 300
receives Burr's statement of innocence, 302
resolutions concerning embargo, 318
duel with Humphrey Marshall, 319–322
early national career, 325
at Ghent, 373, 374
first nomination for president, 389
quarrel with Jackson 390

PAGE

Clay, Henry, elects John Quincy Adams, 392
secretary of state, 392
United States senator (1831), 399
nomination for president (1831), 400
defeat of 1832, 401
compromise of 1833, 403
protest against surrender of Texas, 412
to John J. Crittenden, Dec. 1843, 414
in campaign of 1844, 415
"Raleigh letter," 415
nominated for president (1844), 416
"Alabama letters," 418, 419
to Cassius M. Clay, 420, 421
Lexington speech on Mexican war, 445, 446
resolutions concerning Mexican war, 446
elected to United States senate (1849), 459
plan of compromise (1850), 462
report for committee of thirteen, 469
defends new Fugitive Slave Law, 476
last conversation in Kentucky, 478
religious views, 480
resigns from United States senate, 481
medal presented to, 481
Cohos (Cahokia), 88
Columbus, confederate invasion of, 540
Committee of thirteen; Clay's report for, 469
report of, embodies doctrine of non-intervention, 484, 485
Compromise of 1833, 403, 404

PAGE
Compromise of 1850, Clay's plan of, 462, 463
Clay's speech on, 463–465
Calhoun's speech on, 466
Webster's speech on, 467
Seward's speech on, 468
passed, 472, 474
Douglas' interpretation of, 488, 489
Confederate troops ordered to leave Kentucky, 542
Confederation of Indians against Kentucky, 105, 106
move against Bryant's station, 107
Corn Island, 86, 87
Cornstalk, 29, 30, 31, 32
Cornwallis, surrender of, 106
Country party, 136, 138, 139
Court of Appeals, attempts to remove judges of, 393
old and new, 393, 394
Court of Inquiry, 371
Cowan, Captain John, 147
Crawford, Wm. H., 389
Crittenden, John J., 414, 417, 449, 500, 503, 504, 512, 514, 535
proposed compromise measures of, 501, 502
advocates mediating neutrality, 521, 522
one of "Six Arbiters," 524
president of Border Slave State Convention, 530

DANVILLE, military conference at (1784), 117
Dartmouth college case, 386
Daveiss, Joseph Hamilton, 296, 297
affidavit concerning Burr (text), 298, 299
and Burr trial at Frankfort, 301–307
Davie, Wm., 264

PAGE
Davis, Garret, 522
Davis, Jefferson, 493
at Buena Vista, 436, 440, 441
provisional president of confederacy, 514
president, 540
Dayton, Wm. L., 497
Defiance, Fort, 337, 345
Delpeau, 169
Democratic clubs, 168
resolutions of, 197, 198
Desha, Major-General, Joseph, 351, 355
Detroit surrendered, 333
Dinwiddie, Robert, 8
Dixon, Archibald, 473
announces amendment to Douglas' Nebraska bill, 490
interview with Douglas, 491, 492
to H. S. Foote, 492
one of "Six Arbiters," 524
Dodge Nebraska bill, 486
Douglas, Stephen A., 473
and Dodge Nebraska bill, 486
reports Nebraska bill, 488, 489
interviews Dixon, 491, 492
adopts Dixon's amendment, 493
substitute bill, 493
defends Kansas-Nebraska bill, 494
candidate for president, in 1860, 498
Dunmore, Lord, 29, 30, 32, 42

ELLICOTT, ANDREW, 208, 209
Embargo, Jefferson's, 318
lifted, 323
Enabling Acts,
First, 129
Second, 131
Third, 141
Fourth, 143
Erskine's treaty, 323
repudiated, 324

PAGE

Erving, Geo. W., 413
Eustis, Wm., secretary of war, 336
Everett, Edward, 498
Ewing, George W., 511

Fallen Timbers, battle of, 179, 180
Federal troops, Kentucky refuses to expel, 543
Fillmore, Millard, president, 472, 497
Filson, John, 11
Fincastle County divided, 60
Floyd, David, 312
Floyd, Davis, 301, 303
Floyd, Captain John, 44
"Forlorn Hope," 353
Fort,
  Defiance, 178
  Malden, 336, 348
  Stanwix, 29
  Sumter, 515, 516
"Forty Niners," 455, 456, 457
Fremont, John C., 497
French agents sent by Genet to Kentucky, 169
Frenchtown, captured by Kentucky volunteers, 338
  massacre, 342
Fugitive Slave Law, of 1793, 465
  nullified, 465
  and abolitionists, 475
  of 1850, 475
  Clay defends, 476

Gaines, John P., 432, 433
Gallatin, Albert, 373, 375
Gardoqui, and John Jay, 132, 140
Garrard, Governor James, 241–243, 265
Garrison, Wm. Lloyd, 409
Gayoso, Colonel, 201, 202, 204, 209
Genet, Edmund Charles, 169, 172, 175
Ghent, treaty of,
  American commission, 373

PAGE

Ghent, question of navigation of Mississippi River, 374, 375
Gibault, Father, 90
Gignoux, 169
Gill, Samuel, 530
Girty, Simon, 106
Gist, Christopher, 6, 7, 8, 9
Greenville, Fort, treaty of, 184
Guadaloupe Hidalgo, treaty of, 452

Hamilton, Alexander,
  duel with Burr, 277
Hamilton, Colonel Henry, 66, 67, 71, 78, 82, 91
  surrenders Vincennes, 94
Hancock, Stephen, 80–86
Hardin, Colonel John, 153, 154
  courts-martial, 155
  Scott expedition, 157, 165
Harlan, James, 451
Harmar, General J., 152, 153, 154
  court-martial of, 155
  character of, 156
Harrison, William Henry,
  at Tippecanoe, 329
  and committee of Kentuckians, 334
  accepts commission from Kentucky, 335
  reaches rapids of Maumee, 343
  at Fort Meigs, 345, 346
  at Fort Malden, 348
  on Thames, 350, 351
  report of battle of Thames, 354, 355
Harrod, Captain James, 40, 41, 43, 44
Harrodsburg, 40, 41, 43, 57, 58, 67, 68
Hawes, Richard, one of "Six Arbiters," 524
Henderson, Colonel Richard, 34, 35, 36, 37, 38, 39, 41, 42, 44, 45, 48, 51, 54

PAGE
Henry, Major-General William, at battle of Thames, 351
Henry, Patrick, 54, 58, 73, 91
to George Rogers Clark (text), 74–76,
plans fort at mouth of Ohio, 101
Herrod, Andrew Jackson, 440
Hickman, confederate invasion of, 540
Hill, Isaac, 398
Hogg, James, 51, 52, 54
Houston, Sam, 413
Hull, General William, surrenders Detroit, 333, 334

Innes, James, 198, 199
Innis, Harry, 128, 133, 135, 204, 206, 207
Insurance company, Kentucky, first banking concern in Kentucky, 379
Irwin (Geo. W. Erving), 412

Jackson, Andrew,
his censure of Kentucky troops at New Orleans, 356
letter telling of poor arms of Kentuckians, 358
official report of battle of New Orleans issued, 370
approves verdict in favor of Kentucky troops, 372
candidate for president (1824), 389
hatred of Henry Clay, 390
satirized, 393
carries Kentucky (1828), 396
president, 397
adopts Kentucky relief idea, 397
and Kendall, Hill and Blair, 398
vetoes Maysville Turnpike bill, 399
vetoes National Bank bill, 401

PAGE
Jackson, Andrew,
signs tariff of 1832, 401
message of Dec. 1832, 402
removal of deposits, 404, 405
appoints successor, 406
idea concerning claim to Texas, 412
Jacob, R. T., resolutions proposing mediating neutrality for Kentucky, 513
Jay, John,
his 25-year plan, 132, 133
envoy to England, 187
his treaty ratified, 191
Kentucky outcry against, 193
his treaty signed by Washington, 194
Jefferson County, 126
Jefferson, Fort, on Ohio River, 102
Jefferson, Thomas, 52, 73, 228, 275, 296, 297
to George Rogers Clark (text), 76, 77
to J. C. Breckinridge (facsimile), 230
resolutions of (text), 231–241
to Madison, 253, 254
to W. C. Nicholas, 254, 255
president, 264, 270
to Governor Garrard, 271
his proclamation concerning Burr issued, 311
embargo policy, 318
end of term, 322
Johnson, James, at battle of Thames, 351, 352
Johnson, Richard M., 346, 348, 349
at Battle of Thames, 352
and death of Tecumseh, 353
Johnson, Sir William, 13, 29
Jones, Gabriel John, 58, 60, 62, 64

Kansas-Nebraska bill, 474, 495, 496
Kaskaskia, 87, 88, 89, 90

PAGE

Kaskasky (Kaskaskia), 74
Kendall, Amos, 398
Kenton, Simon, 63, 64, 89, 90
Kentucky,
  petitions Virginia for protection, 55
  resolutions of 1798 (facsimile), 244
  resolutions of 1799 (text), 258–261.
Knox, Colonel James, 26, 27

La Angostura, 435
La Chaise, 169
Lafont, Jean B., 90
Lambert, General, at New Orleans, 362
Land Companies,
  Loyal company, 4, 12
  Ohio company, 4, 6, 8, 12
Lane, Joseph, 498
La Salle, 2
Latour, Major, 365
Laussat, Governor, transfers Louisiana to America, 275, 276
Leclerc, 266
Letcher, R. P., 404
Lewis, Andrew, 30, 31
Lewis, Charles, 31
Lewis, John, 337, 338, 339, 340
Lincoln, Abraham, 498, 514, 515
  proclamation calling for troops (1861), 516
  and neutrality, 522, 523, 535
  statement of, given to Buckner, 536
Logan, Benjamin, 70, 71, 104, 116, 117, 134
Logan's Fort, 41, 67, 69, 71
"Long Hunters," 26, 27
Louisiana purchase, 274, 275, 276
Lyon, Matthew, 280

McAfee, Robert, 43
McAfee, Robert B., 395

PAGE

McAfee, Samuel, 43
McBride, James, 11
McClellan, General George B.,
  Cincinnati conference with Buckner, 530
  Cairo conference with Buckner, 533
  to Magoffin (text), 532, 533
McClelland's Fort, 63, 64
McDowell, Samuel, 137
McGary, Major, 110, 111
McKee, Colonel Wm. R., 430, 434
Madison, James, 229, 331, 332, 335
  takes the oath, 322
  against embargo, 323
  and Virginia resolutions of 1798, 252
  message of June 1, 1812, 330
Magoffin, Governor Beriah, 499, 520, 543
  message of Jan. 17, 1861, 509, 510
  to Secretary Cameron, 517, 518
  appeal to banks, 519
  one of "Six Arbiters," 524
  proclamation of mediating neutrality, 526
  to Geo. B. McClellan, 533
  and Lincoln, 538, 539
  vetoes resolutions abandoning neutrality, 545
Malden, Fort, 340
Marshall, Humphrey, 318, 319, 329
  duel with Henry Clay, 319, 322
  at Buena Vista, 434, 436, 437, 439, 442
Marshall, James M., 144
Marshall, John, Kentucky agent in Virginia, 131, 213
  presided at Burr's trial at Richmond, 309
Marshall, Thos. F., 427, 429, 432
Martin, John, 70
Mason, George, 73

PAGE
Matthews, George, 31
Mathurin, 169
Maumee, Rapids of, 337, 343
Meigs, Fort, 344, 345
Michaux, 169
Minôn, General, 433
Missouri compromise,
and compromise of 1850 compared, 473
Atchison's views on, 485
declared superseded, 493
Montgomery, Captain Joseph, 86
Morales' proclamation closing Mississippi River, 267, 268
Morehead, Chas. S., to Crittenden, J. J., 468
Morgan, General, in battle of New Orleans, 365, 367, 369
Mounds in Kentucky, 9
Murray, William, speech against resolutions of 1798, 245
Murray, William Vans, 263, 264
Muter, Judge George, 125, 128, 133, 137

NAPOLEON, 266, 326, 327
Naturalization law, 216, 217
Navigation of Mississippi River, 139
Wilkinson's essay on, 141
in negotiations of Ghent, 374
Nebraska, 485
Dodge bill, 486
Douglas bill, 488
Nelson, General William, 438
Neutrality of Kentucky, 519, 520, 521
Jacob's resolutions concerning, 513
resolutions proposing, 525
house declares for, 525
senate declares for, 526
governor declares for, 526
McClellan-Buckner Cincinnati interview concerning, 530–532

PAGE
Neutrality of Kentucky, Buckner-Lincoln interview concerning, 535
Lincoln's statement concerning, 536
Jefferson Davis' views, 540
General Leonidas Polk concerning, 542
resolutions abandoning, 544, 545
New Court party, 394, 395
merged into Democratic, 396
New Orleans, Kentucky troops at, poor arms of, 358
Adair secures arms for, 359
on east bank, 361
a letter concerning (text), 362–365
on west bank, 367, 368
controversy over, 371
Jackson's censure of, 371
Jackson-Adair controversy over, 372
Nicholas, Colonel George, 202, 204, 206, 207, 225, 227
Nicholas, S. S., one of "Six Arbiters," 524
Nicholas, W. C., 228
Northwestern posts evacuated, 195

OHIO route to Kentucky, 148
Old Court party, 393, 394, 395
merged into National Republican party, 396
Oldham, Colonel, 159
"Omnibus bill," 469, 470
Ordinance of Secession, South Carolina, 504
Oregon organized, 455
Ormsby, Colonel, 430
Owsley, Governor Wm., 430

PAKENHAM, LORD EDWARD, 357, 362
Patterson, Commodore, censure of Kentucky troops for conduct at New Orleans, 356

PAGE
Peace conference, 512
Peace of Paris, 113
Peace of 1783, effect of Clark's conquest on, 96
Penniman, Benj. F., reminiscences of Henry Clay (text), 478–480
Perry's victory, 347, 349
Pinckney, Chas. C., 212, 213
Pinckney, Thomas, 198–200
Polk, President James K., 416, 417, 430, 445
Polk, General Leonidas, 542
Popular sovereignty in compromise of 1850, 473
Powell, Lazarus W., 503
Power, Thomas, 201, 204, 206, 207
Proclamation closing Mississippi River, 267, 268
Proctor, Colonel, 341, 342, 345, 348, 350
Proprietors of Transylvania, 47, 51

Raisin River, massacre, 342, 343
"Raleigh letter," Clay's, 415
Ray, James, escape of, 68
Relief party, Kentucky, 387
elections of 1820, 384
elections of 1824, 388
turns against Clay, 392
Jackson adopts ideas of, 397
Replevin law, 12 months, 384
two years, 385
Judge Clark's and Judge Blair's opinions concerning, 387
Repeal of Missouri compromise, Atchison's views on, 485
Republican party, origin of, 496, 498
Resolutions, Kentucky, of 1798: (facsimile of text), 244
Wm. Murray's speech against, 245
John Breckinridge defends, 245, 247

PAGE
Resolutions, Kentucky, of 1798: adopted, 247
compared with Jefferson draft, 248–250
response of co-States, 250, 251
Kentucky, of 1799: (text of), 258–261
Regarding closing of Mississippi River 268–270
Virginia, of 1798, 252, 253
Robinson, Camp Dick, established, 538
Magoffin-Lincoln correspondence concerning, 538, 539
Rowan, John, 301, 302
Ruddle's Station, 103
Russell, Jonathan, 373, 375

St. Asaph's Station, 40, 41
St. Clair, General Arthur, 150, 152, 157, 160, 161
St. Vincents (Vincennes), 88
San Ildefonso, treaty of, 266
San Jacinto, 413
San Lorenzo el Real, treaty of, 202, 203
Santa Anna, 433, 435, 436, 437, 438
Scott, Governor Charles, 157, 177, 333, 334, 335
Scott, Winfield, 432, 433, 444, 445
Sebastian, Judge Benjamin, 133, 141, 201, 202, 203, 206, 292
leader of Court party, 135
Sedition Act, 218, 219
Seminole War, 390
"Seventh of March Speech," Webster's, 467
Seward, Wm. H., 468
Shelby, Isaac, 31, 173, 174, 194, 195, 344, 346, 347, 348, 349, 355
at battle of Thames, 351, 354
"Six Arbiters," 523, 524, 525
Slavery, in Kentucky, 408
question raised by treaty of Guadaloupe, 454

PAGE
Slavery, prohibited in California, 457
Henry Clay's views concerning, 458
and compromise of 1850, 462, 463
Sovereignty Convention proposed for Kentucky, 510
Specie Circular, Jackson's, 406
Speed, James, to Governor Garrard, 268
Spencer, Ambrose, to Henry Clay, 422
Stewart, John, 16, 19, 21, 22
Stuart, John, 13, 31
Surplus, distribution of National, 406

TALLEYRAND, 213, 263, 266
Taney, Roger B., 404
Taylor, Zachary, 418, 429, 432, 433, 434, 435, 437, 438, 440, 441, 442, 443, 449
to Henry Clay (text), 443, 444
nominated for president, 450
elected, 452
first message, 461
death of, 472
Tecumseh, 344, 348, 350, 352, 353
Texas, question in campaign of 1844, 411
our claim to, abandoned, 412
and Houston, 413
admitted to Union, 427
Thames River, 349, 350
battle of, 351–355
Thomas, General John, 357
Thornton, Colonel, 368, 369
Todd, John, 63, 97
Trabue, Daniel, 82–84
Transylvania Company, 34, 40, 41 42, 44, 50, 52, 54, 56, 57, 60
Treaty
of Camp Charlotte, 32
Fort Greenville, 184
French, of 1799, 264

PAGE
Treaty
of San Ildefonso, 266
Wilkinson's private Spanish, 135
of 1846, 428
of Wataga, 48
Trimble, Lieutenant David, 345
Triumvirate, Clay, Webster and Calhoun, 460
Trotter, Colonel, 153
"True American," 425–427
Truman, Major, 165
Turnpike, Maysville, bill, 398
Tyler, President John, 427

UNION Sentiment in Kentucky in 1861, 529, 534, 535, 537

VAN BUREN, President Martin, 406
agreement with Henry Clay, 415
"Globe letter," 416
Vera Cruz, 444
Verplanck bill, 404
Vincennes, 87, 89, 90, 93, 95
articles of capitulation (text), 95
Virginia,
resolutions of 1798, 252, 253

WALKER, L. P., to Magoffin, 517
Walker, Dr. Thomas, 4, 8, 9
Wallace, Caleb, 227
Washington, Fort, 153, 154
Washington, George, 8, 145
Wataga, treaty of, 48
Wayne, Anthony, 166, 173, 177, 178, 181, 182
Wayne, Fort, 335
Webster, Daniel, 460, 465
"Seventh of March Speech," 467
"Western World," accusations of, against Burr, 293–295
Wilderness Road, 35, 148
Wilkinson, James, 115, 116, 121, 125, 130, 131, 132, 134, 139, 161, 166, 196, 207, 208, 280, 298, 307

PAGE

Wilkinson, James,
his Spanish trading treaty, 135
his essay on Navigation of Mississippi River, 140, 141
in Scott expedition, 158, 159
at battle of Fallen Timbers, 181
head of United States army, 279
confers with Burr, 281, 287
betrays Burr, 309–311, 312
Williams, Colonel John, 50
Williams, John S., 430
Wilmot Proviso, 460, 464
Winchester, General, commander of Western army, 335
reaches Fort Defiance, 337
at Frenchtown, 339
River Raisin, 341
Wood, General Abraham, 3
Wright, J. C., to Henry Clay, 419, 420
Wythe, George, 52, 73

X. Y. Z. dispatches, 213, 214

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